

3. Floodplain Management and Resource Protection

Chapter 3. Floodplain Management and Resource Protection

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3.01.00 GENERALLY

3.01.01 Purpose

This chapter sets forth the requirements necessary to protect the public health, safety and general welfare, by establishing standards that ensure the protection, maintenance, enhancement or use of natural resources within the county.

3.01.02 Applicability

All development shall be designed to ensure protection of areas designated as floodplains, coastal zone, wetlands or habitats for listed species.

3.01.03 Definitions are found in Section 1.07.02

3.01.04 Terms defined in the *Florida Building Code*

Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

3.01.05 Terms not defined

Where terms are not defined in this ordinance or the *Florida Building Code* or the Florida Administrative Code, such terms shall have ordinarily accepted meanings such as the context implies.

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3.02.00 FLOODPLAIN MANAGEMENT

3.02.01 Title

These regulations shall be known as the *Floodplain Management Ordinance* of Santa Rosa County hereinafter referred to as “this ordinance.”

3.02.02 Scope

The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

3.02.03 Intent

The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* and the technical amendments to the Florida Building Code adopted in Ordinance 2016-04 are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- A. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- B. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- E. Minimize damage to public and private facilities and utilities;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

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H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

3.02.04 Coordination with the *Florida Building Code*

This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

3.02.05 Warning

The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

3.02.06 Disclaimer of Liability

This ordinance shall not create liability on the part of the Board of County Commissioners of Santa Rosa County or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.02.07 Applicability

- A. General – Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. Areas to which this ordinance applies – This ordinance shall apply to all flood hazard areas within Santa Rosa County as established in Section 3.02.07.C of this ordinance.
- C. Basis for establishing flood hazard areas – The Flood Insurance Study for Santa Rosa County, Florida and Incorporated Areas dated November 19, 2021 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that

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establish flood hazard areas are on file at the Development Services Offices, 6051 Old Bagdad Hwy, Suite 202, Milton, FL 32583.

D. Submission of additional data to establish flood hazard areas – To establish flood hazard areas and base flood elevations, pursuant to Section 3.02.10 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
2. Are above the closest applicable base flood elevation, the area shall be regulated as a special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

E. Other laws – The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

F. Abrogation and greater restrictions – This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

G. Interpretation – In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.02.08 Duties and Powers of the Floodplain Administrator

A. Designation – The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

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B. General – The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 3.02.12 of this ordinance.

C. Applications and Permits – The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of non-compliance; and
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

D. Substantial improvement and substantial damage determinations – For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

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1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

E. Modifications of the strict application of the requirements of the Florida Building Code – The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 3.02.12 of this ordinance.

F. Notices and orders – The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

G. Inspections – The Floodplain Administrator shall make the required inspections as specified in Section 3.02.10~~1~~ of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

H. Other duties of the Floodplain Administrator – The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 3.02.08.D of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency

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Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete;

5. Notify the Federal Emergency Management Agency when the corporate boundaries of Santa Rosa County are modified; and

6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”

I. Floodplain Management Records – Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Development Services Offices, 6051 Old Bagdad Hwy, Suite 202, Milton, FL 32583.

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3.02.09 Permits

A. Permits required – Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

B. Floodplain development permits or approvals – Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

C. Buildings, structures and facilities exempt from the Florida Building Code – Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.
2. Non-residential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

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7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

D. Application for a permit or approval – To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 3.02.10 of this ordinance.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

E. Validity of permit or approval – The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

F. Expiration – A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

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G. Suspension or revocation – The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

H. Other permits required – Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Northwest Florida Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

3.02.10 Site Plans and Construction Documents

A. Information for development in flood hazard areas – The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 3.02.10.B.2 or 3 of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance

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Study, such elevations shall be established in accordance with Section 3.02.10.B.1 of this ordinance.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, and Coastal A Zones, new buildings shall be located ten (10) feet landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

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

B. Information in flood hazard areas without base flood elevations (approximate Zone A) – Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or

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the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 3.02.10.D of this ordinance.

4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

D. Submission of additional data – When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

3.02.11 Inspections

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

B. Development other than buildings and structures – The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

C. Buildings, structures and facilities exempt from the *Florida Building Code* – The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

D. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection – Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

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2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 3.02.10.B.3.b of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

E. Buildings, Structures and Facilities Exempt from the *Florida Building Code*, Final Inspection – As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 3.02.11.D of this ordinance.

F. Manufactured Homes -- The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of bottom of the frame shall be submitted to the Floodplain Administrator.

3.02.12 Variances and Appeals

A. General – The Santa Rosa County Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Santa Rosa County Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

B. Appeals – The Santa Rosa County Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of Santa Rosa County Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes.

C. Limitations on Authority to Grant Variances – The Santa Rosa County Board of County Commissioners shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 3.02.12.G of this ordinance, the conditions of issuance set forth in Section 3.02.12.H of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Santa Rosa County Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

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D. Restrictions in floodways – A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 3.02.10.C of this ordinance.

E. Historic buildings – A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

F. Functionally Dependent Uses – A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 3.02.12.D, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

G. Considerations for issuance of variances – In reviewing requests for variances, the Santa Rosa County Board of County Commissioners shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;

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7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

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

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

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commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

3.02.13 Violations

A. Violations – Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

B. Authority – For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

C. Unlawful continuance – Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

3.02.14 Flood Resistant Development

A. Reserved

B. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code* – Pursuant to Section 3.02.09.C of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 3.02.18 of this ordinance.

C. Buildings and structures seaward of the coastal construction control line – If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida*

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Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.

2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

D. Accessory Structures

Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and;

1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas and Coastal A Zones, are one story and not larger than 600 sq. ft..

2. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas and Coastal A Zones have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

3. If located in coastal high hazard areas (Zone V/VE) and Coastal A Zones, are not located below elevated buildings and are not larger than 100 sq. ft.

4. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

5. Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

6. Have mechanical plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

E. Subdivisions; minimum requirements – Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

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4. Shall meet the subdivision requirements and/or commercial development review requirements in Chapter 4.
- F.** Subdivision plats – Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 3.02.10.B.1 of this ordinance; and
 3. Compliance with the site improvement and utilities requirements of Section 3.02.14.G through Section 3.02.14.Q of this ordinance.
 4. Shall meet the subdivision requirements and/or commercial development review requirements in Chapter 4.
- G.** Site improvements, utilities and limitations
- H.** Minimum requirements – All proposed new development shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- I.** Sanitary sewage facilities – All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- J.** Water supply facilities – All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

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K. Limitations on sites in regulatory floodways – No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 3.02.10.C.1 of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

L. Limitations on placement of fill – Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

M. Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones– In coastal high hazard areas and Coastal A Zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 3.02.10.C.4 of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with 3.02.18.H.3 of this ordinance.

N. Limitations on hazardous materials – Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other hazardous or toxic materials shall be located outside of special flood hazard areas to the extent possible and feasible. If these facilities cannot be located outside special flood hazard areas, the design and construction of such facilities shall be dry flood proofed in accordance with the Florida Building Code.

O. Limitations on alteration of natural functions – Limit the alteration of natural flood plains, stream channels, and natural protection barriers which are involved in the accommodation of floodwaters. This includes restrictions or prohibitions on unnecessary or incompatible filling, grading, dredging, drainage, and other development which will result in a damaging increase in erosion, habitat, destruction, or adverse impacts on the water quality treatment function of the flood plain.

P. Solid waste disposal sites – New solid waste disposal sites within special flood hazard areas are prohibited.

3.02.15 **Manufactured Homes**

A. General – All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction

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control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

B. Limitations on installation in floodways, coastal A zones and coastal high hazard areas (zone V) – New installations and replacement manufactured homes shall not be permitted in Floodways, Coastal A Zones, and Coastal High Hazard Areas (Zone V).

C. Foundations – All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that.

1. are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this ordinance.

D. Anchoring – All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

E. Elevation – All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated so that the bottom of the frame and equipment is at or above the elevation required as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2 (Zone A)*.

F. Enclosures – Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential Section R322* for such enclosed areas.

G. Utility Equipment – Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential Section R322*.

3.02.16 Recreational Vehicles and Park Trailers

A. Temporary placement – Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches. Recreational vehicles shall not be available for rent unless in a licensed campground.

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2. Be on site for fewer than one hundred eighty (180) consecutive days;

B. Permanent Placement

1. Recreational vehicles and park trailers that do not meet the limitations in Section 3.02.16.A of this ordinance for temporary placement shall meet the requirements of 3.02.15 of this ordinance for manufactured homes.

3.02.17 Tanks

A. Underground tanks – Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

B. Above-ground tanks, not elevated – Above-ground tanks that do not meet the elevation requirements of Section 3.02.17.C of this ordinance shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

2. Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.

C. Above-ground tanks, elevated – Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

D. Tank inlets and vents – Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

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3.02.18 Other Development

A. General requirements for other development – All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 3.02.14.K of this ordinance.
3. Be constructed of flood damage-resistant materials; and
4. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of the building code for wet locations.

B. Fences in regulated floodways – Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 3.02.14.K of this ordinance.

C. Retaining walls, sidewalks and driveways in regulated floodways – Retaining walls, sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3.02.14.K of this ordinance.

D. Roads and watercourse crossings in regulated floodways – Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 3.02.14.K of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 3.02.10.C.3 of this ordinance.

E. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar non-structural uses in coastal high hazard areas (Zone V) and Coastal A Zones – In coastal high hazard areas and Coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar non-structural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;

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2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

F. Decks and patios in coastal high hazard areas (Zone V) and Coastal A Zones – In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas and Coastal A Zones decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on non-structural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.

G. Other development in coastal high hazard areas (Zone V) and Coastal A Zones – In coastal high hazard areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no

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harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.

Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - a. Bulkheads, retaining walls, or similar structures shall not be permissible on Navarre Beach unless it can be demonstrated that:
 - i. The bulkhead or retaining wall is landward of the CCCL and it is necessary to protect and ensure the structural integrity of a structure; and
 - ii There are no other feasible non-structural alternatives, including retreat; and
 - iii. An analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
 2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
- H.** Non-structural fill in coastal high hazard areas (Zone V) and Coastal A Zones – In coastal high hazard areas and Coastal A Zones:
1. Minor grading and the placement of minor quantities of non-structural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 2. Non-structural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates
 - a. Particle composition of fill material does not have a tendency for excessive natural compaction and will wash out during storm surge;
 - b. Volume and distribution of fill will not cause wave reflection to adjacent properties; and.
 - c. Slope of fill will not cause wave run-up or ramping.

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3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

3.03.00 WETLANDS PROTECTION

3.03.01 Applicability

The provisions of section 3.03.00 apply to all jurisdictional wetlands located within the County. The location of wetland boundaries shall be according to the requirements of the Northwest Florida Water Management District, USACE and/or the FDEP.

3.03.02 Agency Permits Required

All Development within the County shall obtain applicable permits from the Northwest Florida Water Management District, USACE, and/or FDEP for Development within or adjacent to protected wetlands prior to issuance of Building Permit. The issuance of a Development Order, pursuant to the procedures set forth in Chapter 4, may be conditioned upon the receipt of wetlands permits prior to a Building Permit being issued.

3.03.03 Development Rights in Wetlands

- A. Density or intensity of Development, as established for the zoning district in which the wetland is located, shall be calculated for the entire site, including the wetland and wetland buffer.
- B. Where the amount of uplands is not sufficient to accommodate the allowable development and permits from the Northwest Florida Water Management District, USACE and/or FDEP allow impacts to protected wetlands, mitigation shall be required, as set forth in section 3.03.04 and as required by the Northwest Florida Water Management District, USACE and/or FDEP. Where avoidance or minimization is possible, the County will not issue a permit for development within jurisdictional wetlands, except for incidental impacts such as those required for access to the site, internal circulation, infrastructure, boardwalks, etc.
- C. New lots in residential or non-residential subdivisions shall not be created or platted that do not contain sufficient buildable upland areas in order to provide a reasonable use for the lot under the requirements of the Land Development Code and Comprehensive Plan.

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3.03.04 Mitigation of Wetlands Impacts

- A. Wetlands shall be protected from the impacts of development through the provision of buffers. Buffers shall meet the location and design standards set forth in Chapter 4.
- B. Any allowable impact on wetlands shall be mitigated as required by the Northwest Florida Water Management District, USACE and/or FDEP.

3.03.05 Limitations on Development

- A. Clearing of vegetation within a wetland shall be limited to the requirements of the Northwest Florida Water Management District, USACE and/or FDEP. Native vegetation shall be protected, except for clearing allowed by this section.
- B. Allowable buildings shall be built to ensure that the finished elevation exceeds highest recorded flood level in the wetland by a minimum of eighteen (18) inches. Where no flood data are available, the finished floor shall exceed the highest seasonal water level by a minimum of two (2) feet. Finished floor elevation requirements shall be verified prior to issuance of a Certificate of Occupancy by a certified elevation letter from a registered land surveyor or registered engineer.
- C. In areas determined by Santa Rosa County to be flood-prone with documented high water elevation, a minimum finished habitable floor elevation of eighteen inches (18") above the high water mark will be established by the County Engineer. Finished floor elevation requirements shall be verified prior to issuance of a Certificate of Occupancy by a certified elevation letter from a registered land surveyor or registered engineer.

These regulations are adopted to attempt to reduce flooding to habitable areas of single family residences. It is recognized that no regulation will guarantee that such flooding will occur. These regulations shall not be construed to impose any duty or liability against Santa Rosa County in relation to the enforcement of these regulations or in relation to any flooding which may occur.

- D. Septic tanks and their associated drain fields shall be prohibited within wetland areas depending on the specific regulatory agency's definition of wetlands.
- E. Wetland buffers will also be required between development and wetlands, free-flowing streams, rivers, lakes, sound, bays, basins, and bayous. Such buffers will have a minimum width of 25 feet. The 25 feet minimum wetland buffer can be a part of the FDEP required 25 feet meandering buffer. Minor encroachments are allowed for such things as mitered end sections, rip-rap,,docks, piers or similar structures if permitted through FDEP, USACE, or NFWFMD. Buffers shall remain undisturbed in a natural state.

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- F. Allowable Development within or adjacent to wetlands shall be designed and located to avoid impacts to the following to the best extent possible:
1. The habitat, quantity, diversity and food sources of fish, wildlife and listed species.
 2. Water quality of the wetland.
 3. The capability of the wetland to store and convey flood waters.
 4. Historic resources, including both locally designated historic resources and those listed on the Master Site File List of the Florida Department of State.
- G. Wetland buffers cannot be located within platted lots.

3.04.00 STORMWATER MANAGEMENT

No Development Order or Building Permit, as applicable for new development, redevelopment or change of use shall be issued unless the development has complied with the provisions of this section.

3.04.01 Applicable State Requirements

In addition to meeting the requirements of this LDC all development projects must comply with the provisions of Chapter 62-330 “Environmental Resource Permitting” and Chapter 14-86 “Drainage Connections” as found in the Florida Administrative Code (FAC). No final building permit or commencement of construction activities may be allowed until such time as applicable state permits have been obtained.

3.04.02 Applicable Federal Requirements

In addition to meeting the requirements of this section, all development projects which result in land disturbance of equal to or greater than one acre must comply with the provisions of the National Pollutant Discharge Elimination Systems from the FDEP FAC 62-621. Any land disturbance greater than one (1) acre must apply for NPDES general permit from FDEP.

3.04.03 Exemptions

A development shall be exempted from the requirements of this section if the development qualifies under the following exemptions. In section 4.02.07, in no instances shall any development be exempt from section 3.04.04 “Obstruction of Drainageways,” and section 3.04.05 “Erosion and Sedimentation Control.”

3.04.04 Obstruction of Drainageways

To the extent practicable, all development shall conform to the natural contours of the land with natural or man-made drainageways left unobstructed. The obstruction of natural or man-made drainage ways is strictly prohibited.

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3.04.05 Erosion and Sedimentation Control

A. All development shall provide for erosion and sedimentation control as follows:

1. Single Family Dwelling and Duplex Development

a. Any overall site regulated by the SWPPP(Stormwater Pollution Prevention Plan), shall maintain erosion control measures so as to prevent sediment or debris from leaving the development parcel. Any sediment or debris that leaves the development site shall be properly recovered by the building permit holder.

Failure to comply with this requirement shall constitute a violation of this ordinance and shall be cause for suspension of a building permit or development order and code enforcement action.

2. For lots or parcels located along waterbodies or adjacent to the Shoreline Protection Zone. Siltation and erosion control measures shall be applied to stabilize soils and other un-vegetated areas during and after development. For lots or parcels that are cleared, erosion control barriers shall be placed between the development site and the water body to prevent erosion and siltation. Such measures must be in the form of two rows of silt fencing with hay bales between, two rows of hay bales with silt fencing between, or filter sock. Alternatively, the developer may propose a method for controlling sediment that effectively prevents all sediment from entering the water body.

3. During construction, storm drainage inlets shall be protected by hay bales, sod screens, or temporary structures or other means to prevent sedimentation.

4. All soil stockpiles shall be protected against dust and erosion.

5. At all times during and after development, cleared areas shall be stabilized. Final stabilization measures shall be in place within fourteen (14) days of final grading.

6. All control measures shall comply with the management practices contained in the Florida Department of Environmental Protection's "Erosion & Sediment Control Designer and Reviewers Manual" latest edition.

B. For any development which required a development order, a Stormwater Pollution Prevention Plan (SWPPP) must be included with the plans. The SWPPP submittal requirements includes note sheet, standard details and specific erosion control plan. The SWPPP must be in compliance with State and Federal Requirements and this Code.

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C. Erosion and sediment control Best Management Practices (BMP's) shall be used as necessary during construction to retain sediment on-site and assure that any discharges from the site do not cause or contribute to a violation of state water quality standards. These management practices must be designed according to specific site conditions and shall be shown or clearly referenced in the construction plans for the development. At a minimum, the erosion and sediment control requirements described shall be followed during construction of the project. Additional measures may be required to protect wetlands and wetland buffers or prevent off-site flooding. In addition, sediment accumulation in the stormwater system from construction activities must be removed prior to final certification of the system to ensure that the designed and permitted storage volume is available.

D. Engineers must furnish contractors the information pertaining to the implementation, operation, and maintenance of the erosion and sediment control plan. However, it is ultimately the Contractor's responsibility to manage all sediment and erosion control measures as required by regulatory agencies.

E. Stormwater Pollution Prevention Plan (SWPPP) note sheet and erosion control plan shall be submitted with each application for construction plan submittal (subdivisions, site plans, single/multi-family construction and land clearing activities). The approved ERP permit will be submitted when obtained and prior to construction.

F. No clearing, grading, excavating, filling, or other disturbance of the natural terrain shall occur until erosion and sedimentation control measures have been installed, except those operations needed to implement these measures. All erosion and sedimentation control measures shall be maintained throughout the length of construction activity. The overall approved SWPPP will cover all individual lots with a subdivision for which the SWPPP was approved. This does not relieve the developer/builder from protecting the stormwater pond and conveyance system from sediments or remediation of those stormwater facilities at the completion or prior to acceptance by Santa Rosa County. The ERP/SWPPP permit must be transferred if there is a change of ownership per Florida Statutes such as a change of ownership from a developer to a builder.

G. The Contractor shall provide the County Engineer a copy of the NPDES permit prior to commencing construction activities as required by FDEP's NPDES program.

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3.05.00 COASTAL MANAGEMENT/CONSERVATION

3.05.01 Purpose

The purpose of this section is to provide regulations, standards and devices necessary to protect coastal resources, mitigate negative impacts upon natural resources, protect lives and property, enhance property values, and provide for the health, safety and welfare of the citizens of Santa Rosa County.

3.05.02 Coastal Development/Shoreline Protection

A. The following areas along the Gulf of Mexico and Santa Rosa Sound shall be considered within Shoreline Protection Zone-1:

1. The water-ward line shall run east-west along the line of mean high water.
2. The landward line shall run east / west at a location coterminous with the crest of the primary dune system extending along the Gulf-fronting shoreline of the Navarre Beach Planning Area. However, in no case shall any prohibitions apply landward of the Coastal Construction Control Line nor to any structure or activity permitted under F.S. 161.053 (5).
3. For sound-side properties the shoreline protection zone shall be the mean high tide line of Santa Rosa Sound.
4. These setback requirements do not apply to man-made canals.

B. Zone-2 is the Shoreline Protection Zone on the north shore of Santa Rosa Sound, Escambia Bay, Blackwater Bay, East Bay and the basins and bayous and shall be measured from the mean high water line to a point five (5) feet landward of the mean high water line.

1. These setback requirements do not apply to man-made canals.

C. Prohibitions – The following activities, unless specifically excepted, shall be prohibited within the shoreline protection zone:

1. Construction of buildings and structures, except for permitted minor structures;
2. Planting of new vegetation except for native, salt-resistant species suitable for beach and dune or area stabilization.

D. Shoreline Enhancement – All persons constructing elevated boardwalks on property located in the shoreline protection zone shall include in their plans, provisions to enhance and re-vegetate the dune system on their property.

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3.05.03 Design Standards in Areas Adjacent to Shoreline Protection Zone

- A. All development shall be setback greater than or equal to fifty (50) feet from the landward boundary of the Shoreline Protection Zone in Zone-1 and forty-five (45) feet from the landward boundary of the Shoreline Protection Zone in Zone-2.
- B. Total impervious surface, including but not limited to buildings, houses, parking lots, garages, accessory buildings, driveways, pools and walkways is limited to 75 percent of the land area of the entire site.
- C. Any channels constructed shall be of a minimum depth and width capable of achieving the intended purposes. Sides of channels shall reflect an equilibrium shape to prevent slumping and erosion and to allow re-vegetation.
- D. Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.
- E. Any spoil that results from dredging shall be disposed of at upland sites and stabilized within thirty (30) days, unless the spoil is causing turbidity or other problems, in which case the developer must stabilize the spoil immediately.
- F. If dredging changes the littoral drift processes and causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate (sand).
- G. Property owners are encouraged to utilize vegetation to control erosion and sedimentation whenever possible. Naturally-occurring vegetation, when it provides erosion and sedimentation control, is preferred. Native species that are appropriate for the particular location are encouraged for landscaped areas. Vegetation alone should be not relied upon to control erosion and sedimentation during construction and must be supplemented with protective barriers are necessary to accomplish the goal of retaining all soil on the development site.
- H. Red clay and other discoloring materials are prohibited on Navarre Beach, consistent with section 3.05.06. White sand, oyster shell, limestone, crushed concrete and white dolomite are among materials approved for fill or masonry mixes for new development or redevelopment projects on Navarre Beach.
- I. Erosion Control requirements in Section 3.04.09.A.2.
- J. Stormwater Management requirements in Section 3.04.06.B

3.05.04 Scope

The scope of this section shall apply to the following types of development within the Shoreline Protection Zone, areas adjacent to the Shoreline Protection Zone, Navarre Beach, flood plain or flood prone areas as defined in Chapter, and any other shoreline

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or coastal areas of Santa Rosa County when topographic and/or elevation data require enhanced protection through regulation of development.

- A.** New development of, and improvements to, major and minor structures.
 - 1.** Major structure includes, but is not limited to, residential buildings including mobile homes, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal and shoreline zones.
 - 2.** Minor structure includes, but is not limited to, pile-supported, elevated dune and beach walkover structures; seawalls/bulkheads; beach access ramps and walk ways; stairways; lifeguard support stands and sand fences. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, and wave and storm forces.
 - 3.** Non-habitable major structure includes, but is not limited to, swimming pools; seawalls/bulkheads; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures and other water retention structures; water and sewage treatment plans; electrical power plants, transmission and distribution lines, transformer pads, vaults and substations; roads, bridges, streets and highways; underground storage tanks; communications buildings and towers; flagpoles and signs over fifteen (15) feet in height.
- B.** Development which will change or alter the character of the shoreline (e.g., excavation, grading, paving). These regulations do not apply to minor work in the nature of normal beach cleaning or debris removal.
- C.** For structures that are partially located in the Coastal Building Zone, Shoreline Protection Zone, or areas immediately adjacent to the Shoreline Protection Zone, the requirements of this section shall apply to the entire structure.
- D.** Structures or development extending seaward of the mean high water line which are regulated by Florida Statutes Section 166.041 (i.e., groins, jetties, moles, breakwaters, seawalls, revetments, beach nourishment, inlet dredging, etc.), are 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 Florida Statutes Section 161.053.
- E.** The requirements of this section shall not apply to existing structures, structures under construction, or structures for which a valid building permit was issued prior to adoption of this ordinance.

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3.05.05 Public Access

Where the public has established an accessway through private lands to lands seaward of mean high tide or waterline by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with such right of access unless a comparable alternative accessway is provided. The developer or applicant shall have the right to improve, consolidate, or relocate such public accessways so long as they are:

- A. Of substantially similar quality and convenient to the public.
- B. Approved by the Board of County Commissioners.
- C. Consistent with the Comprehensive Plan.

3.05.06 Sand and Water Protection

A. Purpose – The purpose of this section is to prohibit and/or regulate the use of clays, sand clay mixtures, discoloring soils or any other materials subject to wind and water transport that can be potentially discoloring to the natural white sands of Navarre Beach and to the waters within or adjacent to Navarre Beach. Although specific types of construction are referenced in this section, the provisions of this section apply to all types of construction or development.

B. Approved Material – White sand, oyster shell, lime stone, crushed concrete which is as light as or lighter than the existing soil, and white dolomite which does not contain any clay or discoloring material must be used in the Navarre Beach Planning Area and may be used any place within the County.

C. Protected Areas – It shall be unlawful to use any material for fill that is not approved as described in Section 3.05.06.B for any activities in the Navarre Beach planning (administrative) area on Santa Rosa Island.

D. Approval Required – All applicants shall obtain approval from the Navarre Beach Executive Director for any fill activity when the activity requires the use of any material not included in Section 3.05.06.B. NOTE: It is expressly understood that use of any discoloring material will be strictly regulated, and any applicant for use of special purpose materials must demonstrate to the satisfaction of the Administrative Board and the Executive Director that the containment safeguards for such material will assure 100% containment of the material. The burden of proof shall be on the applicant.

E. Special Purpose Materials – If approved pursuant to Section 3.05.06.D, masonry sand and other similar colored construction material shall be contained on all sides and covered in such a way as to prevent scattering by wind or other weather conditions that may discolor public or other private property. It shall be the responsibility of the permitted party to remove, clean and restore any discolored public or private property to its original condition after the use of such construction material. All such unused material shall be removed from premises.

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F. Reconstruction; Redevelopment – Use of Site Previously Developed: At such time as reconstruction, redevelopment or use of site where materials and/or soils previously were used but are prohibited pursuant to this Ordinance, the non-conforming (discoloring) materials/soils shall be immediately removed from the site using safeguards to prevent discoloring the natural sand at the site and adjacent properties.

3.05.07 Marine Turtle Protection Lighting Ordinance

A. Purpose – The Santa Rosa County Board of County Commissioners finds that Navarre Beach serves as a nesting habitat for endangered and threatened sea turtles. Improper lighting along the shoreline can negatively impact sea turtle nesting activity and cause disorientation of turtle hatchlings. The purpose of the Marine Turtle Protection Lighting Ordinance is to protect the threatened and endangered sea turtles that nest along Navarre Beach by safeguarding nesting turtles and emerging hatchlings from sources of artificial light along the shoreline. This ordinance is intended to reduce and where possible eliminate the impact of nearshore lighting on nesting turtles from existing structures and facilities and future development along Navarre Beach during the turtle nesting season, which extends from May 1 to October 31 each year.

For purposes of this section, “shoreline zone” shall include all areas North and South of Gulf Boulevard including White Sands Boulevard extending from the Gulf Islands National Seashore boundary eastward to include the Navarre Beach Marine Park. Lighting located within the shoreline shall comply with all provisions of this section.

In implementing this section, the county will adhere to state and federal guidelines for the protection of sea turtles.

B. General Requirements – All outdoor lighting shall be installed in such a manner and be shielded so that the light will not be visible from the any portion of the beach where sea turtles are likely to nest. In general, artificial light shall be installed or modified such that the light will fall, substantially, within the perimeter of the property and prevent upward glow of light pollution through the use of shielding, limiting light intensity or wattage, or selection of lighting designs or locations that are not visible from the beach. Lighting shall be reduced to the greatest extent possible without unduly jeopardizing public safety or security of property or persons.

C. New Development – For new development within the shoreline zone, construction and building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures including electrical plans associated with parking lots, dune walkovers or other outdoor lighting for real property including any light sources or any reflective surfaces illuminated by such

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sources that will be visible from the beach, such lighting shall be in compliance with the following:

1. Outdoor lighting shall be held to the minimum necessary for security and safety. Floodlights and landscape or accent lighting shall be prohibited.
2. All lighting including wall-mounted fixtures, pole lighting, lights on balconies, and any other type of lighting not specifically referenced by this section, shall be of low intensity and shall be fitted with hoods or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach. Whenever possible install long wavelength LED lamps producing amber or red light.
3. Low profile luminaries shall be used in parking lots and such lighting shall be fitted with hoods or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach.
4. Dune crosswalks shall utilize low profile shielded luminaries directed and positioned so that light sources or any reflective surfaces illuminated by such sources are not visible from the beach. Dune crossover lighting shall be limited to the area landward of the primary dune. Compliance with this provision is assured if mushroom-type light fixtures, which direct the light downward are used and installed (a) at least twenty-five (25) feet apart and not more than one (1) foot above the surface of the walkover; and (b) limited to twenty-five-watt amber or red light.
5. If high intensity lighting is necessary, LED luminaries shall be used and fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources shall not be visible from the beach.
6. Plates of tinted glass are required for windows that are visible from the beach. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of 45 percent or less. Such transmittance shall be limited to the visible spectrum (400 to 700 nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.
7. Temporary security lights at construction sites shall not be mounted more than 15 feet above the ground. Light sources or any reflective surfaces illuminated by such sources shall not be visible from the beach.

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D. Existing Development – For existing development existing structures with any light sources or reflective surfaces illuminated by such sources that are visible from the beach, shall be in compliance with the following:

- 1.** All lights shall be turned off after 9:00 p.m. between May 1 and October 31, of each year, or fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach.
- 2.** Lights illuminating dune crosswalks shall be turned off after 9:00 p.m. between May 1 and October 31, of each year, and must be modified to conform to the requirements for new development in accordance with section 3.05.07.C.4 of this section.
- 3.** Existing security and emergency exit lighting shall meet the same requirements stated in this section, unless modification of the emergency lighting is demonstrated by the property owner to create an unreasonable risk to public safety, persons or property. If high intensity lighting is necessary, LED luminaries shall be used and fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach.
- 4.** Where interior lights currently illuminate or are visible on the beach, at least one of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors or windows within line of sight of the beach,:
 - a.** In windows facing and/or visible from the beach, tinted window treatments are required so that indoor lights do not illuminate or are not visible from the beach. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of 45 percent or less. Such transmittance shall be limited to the visible spectrum (400 to 700 nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.
 - b.** Rearrange lamps and other movable fixtures away from windows.
 - c.** Use window treatments, including but not limited to blinds and curtains, to shield interior lights from the beach.
 - d.** Turn off unnecessary lights after 9:00 p.m. between May 1 and October 31.

E. Publicly-Owned Lighting – All publicly owned lighting that is visible from the beach or that illuminates reflective surfaces that are visible from the beach, shall be turned off after 9:00 p.m. between May 1 and October 31, of each year,

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or shall be fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach. For public parking areas, low intensity lighting shall be used in parking areas within line-of-sight of the shoreline. Parking area lighting and any roadway lighting shall be shielded from the shoreline through the use of ground-level barriers or fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach. Ground-level barriers shall not interfere with marine turtle nesting or hatchling emergence.

F. Penalties – Violation of the provisions of this section or failure to comply with any of its requirements shall constitute violation of the Santa Rosa County Land Development Code and is subject to fines and enforcement in accordance with Santa enforcement procedures contained therein.

G. Variance – After written notification to and consultation with appropriate state and federal agencies, the County may grant a variance from any of the provisions or requirements of this section if affirmative findings, supported by the record and reviewed and approved by the appropriate state and Federal agencies, can be made that:

1. The minimum lighting adequate for the intended purpose is used;
2. There are special circumstances relating to the property or use that specifically and directly prevent compliance with the provisions in this section and the property owner has demonstrated to the satisfaction of the County and the appropriate state and Federal agencies that there are no viable alternatives to the variance; and
3. Granting of the request would not negatively impact any adjoining property, or sea turtle nesting or hatchling success or any threatened or endangered species.

3.06.00 RESOURCE PROTECTION

3.06.01 Generally

The provisions in Section 3.06.00 apply to resource protection within all of Santa Rosa County. These provisions are concerned with cultural and historical resources, natural resources, air quality, and environmentally sensitive lands. There are also standards regulating environmental nuisances.

3.06.02 Conservation of Cultural/Historical Resources

This section is intended to provide protection for cultural, historic or archeological resources which may exist within Santa Rosa County. The intent of this section is to require protection of such resources.

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- A.** Protected Sites – All historic/archeological sites listed on the Florida Master Site File (in the Office of Secretary of State, Division of Historical Resources, State of Florida) are covered by the regulations herein. In addition, any historical or archeological artifacts discovered during any phase of construction shall be deemed covered by these regulations until such time as the artifact has been protected or proven insignificant.
- B.** Determination of Significance – The determination of the significance of any artifact or historical or archeological evidence found on any construction site or on any site listed on the Florida Master Site File shall be made by those persons, firms or corporations approved to make such determination by the Office of Secretary of State, Division of Historical Resources.
- C.** Cessation of Activities
- 1.** Any time historical or archeological artifacts or resources are discovered during the process of construction or development activities, such activities impacting the artifact or resource shall be immediately ceased until such time as determination of significance has been rendered. If the location of the artifact or resource is such that the area can be protected while construction or development activities go on elsewhere on the site, such protection shall be allowed. However, if the location or nature of the artifact or resource is such that any site disturbing activities would impact the artifact or resource then activities on the entire site shall cease.
 - 2.** In the event that the cessation of development or construction activities goes beyond the time limits established by development orders, certificates of development, building permits or any other permits issued pursuant to this ordinance, then the time frame for completion of such activities shall be administratively extended so as to allow the successful completion of the construction or development project.

3.06.03 Natural Resources Protection

Any time any application for development approval is submitted and construction pursuant to such application would impact habitats of endangered, threatened or rare species of animals or plants, outstanding Florida waters, aquatic preserves, air quality, fisheries, fishery habitats or significant ground water recharge areas such issuance of a development permit by the County does not in any way create any rights on part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of permit if the applicant fails to obtain requisite approvals or obligations imposed by a state or federal agency.

Santa Rosa County Land Development Code recognizes the continued coordination with state and federal initiatives and plans for wetland, coastal, emergency and wildlife

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resiliency along with the RESTORE Plan and grant opportunities available for natural resource protection.

3.06.04 Area of Water Resources Concern

Any time an area of water resources concern is declared by the Northwest Florida Water Management District, development must comply with the relevant portions of Section 40A-2.801, et. seq. of the Florida Administrative Code. Section 40A-2.801, et. seq. of the Florida Administrative Code is incorporated herein by reference.

3.06.05 Mitigation

Any proposed development which would negatively impact the natural function of any shoreline, bayou or any beach or dune system or any natural resource listed in Section 3.06.03 above, shall be required to mitigate such impact, if project approval is obtained. Mitigation will be allowed only when property cannot be otherwise developed. Mitigation will be accomplished at a ratio of 1.5 to 1.

A. Determining Acceptable Mitigation – The County Planning and Zoning Department and Environmental Department in cooperation with appropriate state or federal regulatory agencies will determine acceptable mitigation provisions. Such determination will be made based on mitigation proposals submitted by development applicants.

B. Dune Restoration – Any time proposed construction would alter Gulf beaches or dunes (dunes equal to or exceeding fourteen (14) feet NGVD) the application for said construction must include an implementable plan for restoration of the altered beaches or dunes. Said restoration must occur before the proposed construction is allowed to be used or occupied. In the event that restoration cannot be reasonably accomplished prior to the issuance of a Certificate of Occupancy for the structure, then the applicant shall post bonds or other surety to assure dune or beach restoration.

3.06.06 Air Quality

A. Purpose – The purpose of this section is to continually protect the quality of air in Santa Rosa County by regulating, or requiring compliance with the regulations, governing land uses and/or activities which have, or may have point source emissions.

B. Permits Required – Any development or land use activity including, but not limited to, industrial and manufacturing activities, incineration and other activities which create or discharge emissions into the air shall be required to obtain all requisite state and/or federal permits for such activity.

C. Continuing Obligation – All existing and future activities discharging emissions into the air have a continuing obligation to obtain and abide by all state and federal permits regarding treatment of emissions. In the event information comes available to any County Official, such official shall notify the County Code

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Enforcement Department. The Code Enforcement Department shall immediately notify the operator of the facility which is believed to be degrading air quality within the County and notify the appropriate regulatory agency of the alleged violation.

3.06.07 Environmentally Sensitive Lands

Certain properties within Santa Rosa County contain features which are environmentally sensitive. It is the intent of this ordinance that degradation of environmentally sensitive lands or features be avoided to the maximum extent possible. For the purposes of this ordinance, environmentally sensitive lands or features are defined as follows:

- A.** Aquatic preserves including the Yellow River Marsh Aquatic Preserve and the Escambia River Management Area.
- B.** Outstanding Florida waters.
- C.** Habitats of threatened or endangered species as defined by the Florida Game and Freshwater Fish Commission or other state or federal agencies.
- D.** Fishery and marine habitats.
- E.** Flood plain areas.
- F.** Potable water wells, cones of influence and potable water well fields.
- G.** Area containing endangered, unique plants or vegetation.
- H.** Protection Required – Pursuant to Section 3.04.08.D and 4.02.07.G, the County Engineer, Planning Director, or Environmental Director may require additional information regarding protection of any of the resources listed in Section 3.06.07 above. The County Engineer, Planning Director, or Environmental Director may require applicants to obtain certifications from appropriate regulatory agencies, recognized scientific experts, or other similar documentation prior to approving site plans impacting environmentally sensitive lands or features. Nothing in this section shall preclude the County from obtaining independent verification of documentation.
- I.** Potable Water Wells and Well Fields – Within the wellhead protection zones, the following activities are prohibited:
 - 1.** Land Clearing Debris, Construction and Demolition Debris (C&D) /Class 1 & 3 solid waste, landfills, resource extraction activities and the like;
 - 2.** Underground fuel storage facilities; however, replacement of an existing underground storage tank system regulated under Chapter 62-761, F.A.C., within the same excavation, is exempt from this provision, provided that the replacement underground storage tank system is

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installed with secondary containment as required in Chapter 62-761, F.A.C.

3. Projects with impervious cover of 50% or more;
4. The bulk storage, handling or processing of materials listed as Hazardous and Extremely Hazardous on Table 302.4 of 40 CFR and Appendix A to 40 CFR part 355 respectively; however, the replacement of an underground or above ground storage tank system regulated under Chapters 62-761 and 62-762, F.A.C. is exempt from this provision provided that the replacement tank system is installed with secondary containment and other applicable provisions of Chapters 62-761 and 62-762, F.A.C.;
5. Projects that require the storage, use, handling, production or transportation of restricted substances such as toxic chemicals, petroleum products, hazardous / toxic wastes, industrial chemicals, medical wastes and the like; (this section is not intended to prohibit the transportation of hazardous materials through the wellhead protection zones);
6. Wastewater treatment plants, wastewater effluent percolation ponds and similar facilities;
7. Mines or mining activities; and
8. Excavation of waterways or drainage facilities, such as wet stormwater ponds, which intersect the water table.
9. Wellhead protection zones of 500' radius are established for public supply potable water wells for the Floridian Aquifer and Sand and Gravel Aquifer, measured from the center of the wellhead.

Additional aquifer protection in the form of a wellfield protection overlay district is found in Section 7.04.00 of this code.

Each plan for development approval shall be reviewed to determine that construction pursuant to the plan, if approved, will not degrade or impact any potable water well, well field or cone of influence.

3.06.08 Standards Regulating Environmental Nuisances

- A. Air Pollutants – Every use shall be operated to limit the emission into the air of dust, except as may be specifically authorized pursuant to an applicable state or federal permit. In the case of a construction site, all construction activities on the site shall be conducted in accordance with appropriate dust control and reasonable precautions shall be taken to ensure that any dust generated on the site does not cause unhealthy, unsafe, or nuisance conditions on nearby properties. Such reasonable practices and precautions may include, but not be limited to using water trucks, restricting earthmoving activities to times

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when the wind is low, and altering work practices. If a water truck is used to control dust on dirt/graded areas only, the water truck will only drop enough water to control the dust or reach the optimum moisture content of the soil for compaction and not generate offsite runoff.

B. Fire and Explosive Hazards – All operations, activities and uses shall be conducted so as to comply with the performance standards governing fire and explosion hazards prescribed below. Such uses shall comply with the rules and regulations of the National Fire Code published by the National Fire Protection Association as well as Chapter 69A, "Rules of the Marshal," and Chapter 62, "Open Burning", Florida Administrative Code.

1. Detonatable Materials shall include, but not be limited to, all primary explosives, such as lead, azine, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMS, PETN, and picric acid; propellants and components therefore, such as dry nitrocellulose, black powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds, such as acetylides, tetraoles, and ozonides, unstable oxidizing agents, such as perchloric acid, perchlorates and hydrogen peroxide in concentration greater than 35% and nuclear fuels, fissionable materials and products and reactor elements, such as Uranium 235 and Plutonium 239.

2. Fire Hazard Solids:

a. Light Industrial District "M-1" (or more restrictive district). The storage or utilization of solid materials which are active to intense burning shall be within spaces having fire resistive construction of no less than two hours and protected with an automatic fire extinguishing system. However, such storage or utilization is not permitted unless approved by the Building Official after consultation and approval of the Fire Department, based on standards incorporated herein specifically or by reference.

b. General Industrial District "M-2": In the "M-2" district the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within the walls having a fire resistance no less than two hours or protected by an automatic fire extinguishing system or the building wall shall be no less than 25 feet from all lot lines. The outdoor storage of such materials shall be permitted no closer than 40 feet from all lot lines. However, such activity is not permitted unless approved by the Building Official after consultation and approval of the Fire Department based on standards incorporated herein in specifically or by reference.

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c. No open burning shall be conducted at debris disposal facilities without prior approval from the state enforcement agencies (Department of Environmental Protection and/or Division of Forestry) and the County.

3. Fire Hazard Liquids and Gases:

a. The total storage capacity of flammable liquids and gases shall be restricted to capacity expressly permitted by the Building Official after consultation with the Fire Department based on standards incorporated herein specifically or by reference.

b. All bulk fuel must meet the requirements of the Florida Fire Prevention Code. The exception will be for bulk processing facilities, which is governed by land use.