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ARTICLE IV RESOURCE PROTECTION STANDARDS

4.00.00 PURPOSE

The purpose of this Article is to establish those resources or areas of a development site that must be protected from harmful effects of development. A developer should apply the provisions of this Article to a proposed development site before any other development design work is done. Application of the provisions of this Article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

4.01.00 ENVIRONMENTALLY SENSITIVE LANDS

4.01.01 General Provisions

A. Relationship To Other Requirements Relating To The Protection Of Environmentally Sensitive Lands

In addition to meeting the following protection of environmentally sensitive lands requirements, development plans shall comply with applicable federal, state, and water management district regulations relating to environmentally sensitive lands. In all cases,

the strictest of the applicable standards shall apply.

B. Compliance When Subdividing Land

Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these regulations protecting environmentally sensitive lands.

4.01.01 Definitions

ACCESSORY USE: A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

ADJACENT TO A PROTECTED ENVIRONMENTALLY SENSITIVE AREA: Any location immediately abutting the boundary of any Protected Environmentally Sensitive Area, whether the location is on or off the development site.

ADVERSE EFFECTS: Any modifications, alterations, or effects on waters, associated wetlands, or shorelines, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may be potentially harmful or injurious to human health, welfare safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

ASSOCIATED WETLAND: Any wetland that is adjacent or contiguous to waters, or which has a hydrologic connection to waters.

CLEARING: The removal of trees and brush from the land, not including the ordinary mowing of grass.

POLLUTANT: Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air, soil, or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

PROTECTED ENVIRONMENTALLY SENSITIVE ARE: An environmentally sensitive area designated for protection in the respective local government Comprehensive Plan.

WATER OR WATERS: Includes, but is not limited to, water on or beneath the surface of the ground, including natural or article watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating standing, or flowing beneath the surface of the ground.

WATER BODY: Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains water.

WATERCOURSE: Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously

or intermittently, and which has a definite channel, bed, banks, or their discernible boundary.

WATER'S EDGE AND WETLAND'S EDGE: The water's or wetland's edge shall be determined by whichever of the following indices yields the most landward extent of waters or wetlands:

- 1) the boundary established by the annual mean high water (MHW) mark, or
- 2) the landward boundary of wetland vegetation as established by a Florida Department of Environmental Protection (FDEP) or US Army Corps of Engineers (COE) jurisdictional determination.

4.01.03 Creation Of Protected Environmentally Sensitive Zones

A. Wetland Protection Zone

1. There is hereby created a "Wetland Protection Zone" in which special restrictions on development apply.
2. The boundaries of this zone shall be the most landward extent of the following:
 - a. Areas within the dredge and fill jurisdiction of the Department of Environmental Protection as authorized by Section 403 of the Florida Statutes.
 - b. Areas within the jurisdiction of the US Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 10, Rivers and Harbor Act.
 - c. Area which extends ten (10) feet landward of the wetland's edge. *

B. Floodplain Protection Zone

1. There is hereby created the "Floodplain Protection Zone" in which special restrictions on development apply.
2. The Floodplain Protection Zone includes those land areas identified as "A" Zones and "V" Zones on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for the City of Wewahtichka.

D. Request for Determination Of Boundaries

A developer may obtain a determination for the boundaries of a Protected Environmentally Sensitive Zone by submitting to the local Building Department, by certified mail or hand delivery, a Request for Determination of Boundaries. The request must, at a minimum, set forth an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information needed to make the determination. In the case of wetlands, only a preliminary wetland protection zone determination can be made by the Building Department utilizing the 7.5 Minute US Geological Survey Quadrangle Maps which identify general wetland boundaries. The

Department shall make the determination within ten (10) working days of receiving the needed information from the developer. It is the responsibility for the developer to have a final wetland jurisdictional determination made by the Florida Department of Environmental Protection and/or the US Army Corps of Engineers.

4.01.04 Development Activities Within Protected Environmentally Sensitive Zones

A. Generally

Except as expressly provided herein, no development activity shall be undertaken in wetland and shoreline protection zones.

B. Minor Accessory Structures And Activities Presumed To Have An Insignificant

1. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Protected Environmentally Sensitive Zones. Notwithstanding the prohibition in SECTION 4.01.04-A above, these activities may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Protected Environmentally Sensitive Area.
2. The following uses and activities are presumed to have an insignificant adverse effect on a Wetland Protection Zone:
 - a. Scenic, historic, wildlife, or scientific preserves;
 - b. Minor maintenance or emergency repair to existing structures or improved areas;
 - c. Cleared walking trails having no structural components;
 - d. Catwalks and docks four (4) feet or less in width;
 - e. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds;
 - f. Cultivating agricultural, silvicultural, horti-cultural, or aquacultural resources that occur naturally on the site;
 - g. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence;
 - h. Developing an area that no longer functions as a wetland. The developer must demonstrate that the water regime has been permanently altered, either artificially or ally, in a manner to preclude the area from maintaining surface water or hydro-periodicity necessary to sustain wetland structure and function; and,
 - i. Developing a "Wetlands Storm Water Discharge Facility" or "Treatment Wetland" in accordance with state permits received under Chapters 17-35, and 17-6, Florida Administrative Code.

C. Special Uses

1. Water Dependent Activities

- a. Generally designated water dependent activities that are otherwise prohibited within Wetland and Shoreline Protection Zones may be allowed if the developer shows:

- (1) The public benefits of the activity substantially outweigh the adverse environmental effects on a wetland area; and
- (2) No practical alternative to placement in the Protected Environmentally Sensitive Zone exists.

b. Permittable Water Dependent Activities

The following are types of Permittable water dependent activities:

- (1) Dredge/fill projects, i.e., those including material placed in or removed from watercourses, water bodies or wetlands, as permittable by regulatory agencies.
- (2) Dockage or marinas where dock length does not impede navigation and as otherwise permittable by state and federal regulatory agencies.
- (3) New riprap or similar shoreline stabilization techniques minimize shoreline erosion. New construction of vertical seawalls in coastal areas will be prohibited, exempting bridge construction, port-related development, and commercial and industrial water dependent uses.
- (4) Installation of buoys, aids to navigation signs, and fences.
- (5) Performance of maintenance dredging for ten (10) years from the date of the original permit. Thereafter, performance of maintenance dredging as permittable by regulatory agencies.
- (6) Installation of subaqueous transmission and distribution lines for water, wastewater, electricity, communication cables, oil or gas. Lines may be entrenched in, laid on, or embedded in bottom waters, as permittable by regulatory agencies.
- (7) Construction of foot bridges and vehicular bridges.
- (8) Replacement or widening of bridges on pilings or trestles where the effects of pollutants discharged into open waters are minimized.
- (9) Construction of artificial reefs.

c. Minimization Of Impacts

The water dependent activity shall be designed, constructed, maintained and undertaken in a way that minimizes the adverse impacts on the beneficial functions of the affected protected Environmentally Sensitive Zone.

D. Development Of Parcels Containing Environmentally Sensitive Lands

1. The acreage within a Protected Environmentally Sensitive Zone may be used to determine the total allowable units or square footage of development that will be allowed on a site containing all or part of such a zone. In such situations, the clustering of development may occur in non-sensitive areas, such as the upland portions of the site.
2. Within Protected Environmentally Sensitive Zones and adjacent areas where hydrology may be adversely impacted, the following protective measures may be necessary to prevent significant adverse effects on environmentally sensitive lands. The factual basis of the decision to require any such measure shall be stated as a finding in the written record. protective measures may include, but are not limited to the following:
 - a. Wherever possible, natural buffers shall be retained between all development and all Protected Environmentally Sensitive Zones.
 - b. Maintaining natural drainage patters through such measures as culverting roadways and driveways.
 - c. Limiting the removal of vegetation to the minimum necessary to carry out the development activity.
 - d. Expeditiously replanting denuded areas.
 - e. Stabilizing banks and other unvegetated areas by siltation and erosion-control measures.
 - f. Minimizing the amount of fill used in the development activity.
 - g. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage.
 - h. Constructing channels at the minimum depth and width necessary to achieve their intended purposes, and designing them to prevent slumping and erosion and to allow revegetation of banks.
 - i. Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning, and other cycles and activities of wildlife.
 - j. Designing, locating, constructing, and maintaining all development in a manner that minimizes environmental damage.

- k. Using deed restrictions and other legal mechanisms to require the developer and successor to protect the environmentally sensitive areas and maintain the development in compliance with the protective measures.

E. Septic Tank Setbacks

The minimum setback distance for buffering from wetlands and other surface water bodies from septic tank systems shall be seventy-five (75') feet as required by Florida Statutes 381.031.

4.04.00 FLOODPLAINS

4.02.01 Findings Of Fact, Purpose And Intent, Objectives

STATUTORY AUTHORIZATION

The Legislature of the State of Florida has in State Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Wewahitchka City Commission, of Gulf County, Florida, does ordain as follows:

A. FINDINGS OF FACT

The flood hazard areas of City of Wewahitchka , Florida are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. STATEMENT OF PURPOSE

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

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion, or which result in damaging increases in erosion hazards, or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream

channels, and natural protective barriers which are involved in the accommodation of flood waters;

- (4) control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

C. OBJECTIVES

The objectives of this Section are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) to insure that potential home buyers are notified that property is in a flood area.

4.02.02 DEFINITIONS

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

ADDITION (TO AN EXISTING BUILDING): means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

APPEAL: means a request for a review of the Planning/Building Directors interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING: means a designated AO or VO Zone on a community's Flood Insurance Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD: means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: means that portion of a building having its floor subgrade (below ground level) on all sides.

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

BUILDING: means any structure built for support, shelter, or enclosure for any occupancy or storage.

COASTAL HIGH HAZARD AREA: means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE or V.

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

ELEVATED BUILDING: means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

EXISTING CONSTRUCTION: any structure for which the "start of construction" commenced before (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date).

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community (before the effective date of the first floodplain management

FLOOD OR FLOODING: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM): means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOODWAY: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discard the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR: means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

HIGHEST ADJACENT GRADE: means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building:

HISTORIC STRUCTURE: means any structure that is:

- a. Listed individually in the Nation Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register;
- b. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or
2. Directly by the Secretary of the Interior states without approved programs.

MANGROVE STAND: means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more mangrove (*Rhizophora mangel*); black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangel*); white mangrove (*Longuncularia racemosa*); and buttonwood (*Conocarpus erecta*).

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

MEAN SEA LEVEL: means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

NATIONAL GEODETIC VERTICAL DATUM (NGVD): as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION: Any structure for which the "start of construction" commenced after (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date). The term also includes any subsequent improvements to such structure.

NEW MANUFACTURE HOME PARK OR SUBDIVISION: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and with final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

RECREATIONAL VEHICLE: means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be a self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as a temporary living quarters

for recreational, camping, travel, or seasonal use.

REFERENCE FEATURE: is the receding edge of a bluff or eroding frontal dune, or if such a feature is not present, the normal highwater line or the seaward line of permanent vegetation if a highwater line cannot be identified.

SAND DUNE: means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

60 YEAR SETBACK: means a distance equal to 60 times the average annual long term recession rate at a site, measured from the reference feature.

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

STRUCTURE: means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

SUBSTANTIAL DAMAGE: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during (the life of the building) (a three) (3) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project of improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS:

is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

THIRTY YEAR SETBACK: means a distance equal to 30 times the average annual long term recession rate at a site, measured from the reference feature.

VARIANCE: is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

ZONE OF IMMINENT COLLAPSE: means an area subject to erosion adjacent to the shoreline of an ocean, bay or lake and within a distance equal to 10 feet plus 5 times the average annual long term erosion rate for the site, measured from the reference feature.

4.02.03 GENERAL PROVISIONS

A. LANDS TO WHICH THIS CODE SECTION APPLIES

This section shall apply to all areas of special flood hazard within the jurisdiction of the City of Wewahitchka, Gulf County, Florida.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a "scientific and engineering report entitled "The Flood Insurance Study for the City of Wewahitchka, Gulf County, Florida" dated June 1, 1982, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Section.

C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be require in conformance with the provisions of this Section prior to the commencement of any development activities.

D. COMPLIANCE

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

E. ABROGATION AND GREATER RESTRICTIONS

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. INTERPRETATION

In the interpretation and application of this Section 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.

G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of City of Wewahitchka or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

H. PENALTIES FOR VIOLATION

Violating of the provisions of this Section or failure to comply with any of its requirements, including violating of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500,00 or imprisoned for not more than 60 days, or both, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Wewahitchka from taking such other lawful actions as is necessary to prevent or remedy any violation.

4.02.04 ADMINISTRATION

A. DESIGNATION OF LOCAL ADMINISTRATOR

The City Manager shall act as the City Planning Director and is hereby appointed to administer and implement the provisions of this Section with the exception of actual Building Permits and Building Codes and they are to be administer and enforced by the Building Inspector .

B. PERMIT PROCEDURES

Application for a Development Permit shall be made to the City Planning/Building Director on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage.

- (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;**
- (b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;**

- (c) Certificate from a registered professional engineer or architect that the non residential flood-proofed structure will comply with the flood-proofing criteria. (See Section 4.02.05).
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;

(2) Construction Stage

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or instances where the building is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the City of Wewahitchka Planning/Building Director a certification of the elevation of the

lowest

portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The City of Wewahitchka

Planning/

Building Director shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. DUTIES AND RESPONSIBILITIES OF THE CITY PLANNING DIRECTOR OR BUILDING INSPECTOR

Duties of the Planning Director shall include, but not be limited to the following that are not part of actual building permit process. :

Duties of the Building Inspector shall included, but not limited to the following that are involved in Building Code enforcement ie; Plan review, issuance of building permits and inspections

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the Department of Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4, Section B (2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4, Section B (2).
- (7) In Coastal Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the building is designed and securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
- (8) In Coastal high hazard Areas, the Planning/Building Director shall review plans for adequacy of breakaway walls in accordance with Article 5, Section B (6) (h).
- (9) When flood-proofing is utilized for a particular building, the Planning/Building Director shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B (2).
- (10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Planning/Building Director shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Planning/Building Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.
- (12) All records pertaining to the provisions of this Section shall be maintained in the office of the Planning/Building Director and shall be open for public inspection.

D. VARIANCE PROCEDURES

- (1) The Planning and Development Review Board as established by City of Wewahitchka ,
Florida shall hear appeals and requests for variances from the requirements of this Section and shall make recommendations to the City Commission.
- (2) The Planning and Development Review Board shall hear appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning/ Building Director in the enforcement or administration of this Section and make recommendations to the City Commission.
- (3) Any person aggrieved by the decision of the City Commission

any taxpayer may appeal such decision to the Circuit Court, as provided by Florida law.

- (4) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (5) In passing upon such applications, the Planning and Development Review Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Code, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - (k) 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, water systems, streets and bridges.
- (6) Upon consideration of the factors listed above, and the purposes of this Section, the Planning/Building Director may attach such conditions to the granting of variances as it

deems necessary to further the purposes of this ordinance.

- (7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (8) Conditions for Variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
 - (b) Variance shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the piece of property or adjacent properties, and; (iii) a determination that the granting of a variance will not result in increase flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Variance should pertain to a piece of property and not personal in nature.
 - (d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increase risk resulting from the reduced lowest floor elevation.
 - (e) The Planning/Building Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
 - (f) Variances should follow the FEMA guidelines for local variance and appeal boards.

4.02.05 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation,
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to
- (3) New construction and substantial improvements shall be constructed with materials and

utility equipment resistant to flood damage;

- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (9) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (10) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall be undertaken only if said nonconformity is not furthered, extended, or replaced.

B. SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in 4.02.03, Section B, or 4.02.04, Section C (11), the following provisions are required:

- (1) **Residential Construction.** New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of 4.02.05, Section B (3).
- (2) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than 1 foot above the level of the base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section C (9).

- (3) **Elevated Buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
 - (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - (d) Electrical, plumbing and other utility connections are prohibited below the required elevation.
- (4) **Standards for Manufactured Homes and Recreational Vehicles**
- (a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
 - (b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, must be elevated so that:
 - (i) The lowest floor of the manufactured home is elevated no lower than 1 foot above the level of the base flood elevation, or

- (ii) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (iii) In an existing manufactured home park or subdivision on which a manufactured homes has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article 5, Section B (4), (b), (i) above.
 - (c) All recreational vehicles placed on sites must be either:
 - (i) Be fully licenses and ready for highway use, or
 - (ii) The recreational vehicle must met all the requirements of mobile homes, including anchoring and elevation requirements of Article 5, Section B (4) (a) or (b) (i) above.
- (5) **Floodways.** Located within areas of special flood hazard established in Article 3, Section B, reare as designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
 - (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 - (b) If Article 5, Section B (5) (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
 - (c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A (2), and the elevation standards of Article 5, Section B (1) and the encroachment standards of Article 5, Section B (5) (a); are met.
- (6) **Coastal High Hazard Areas (V Zones).** Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as Coastal High Hazard areas. These ares have special flood hazards associated with wave wash, therefore, the following provisions shall apply:
 - (a) All buildings shall be located 50 feet landward of the reach of the

mean high tide;

- (b) All buildings shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than 1 foot above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Article 5, Section B (6) (h);
- (c) All buildings or structures shall be securely anchored on pilings or columns;
- (d) All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all buildings components. Water loading values shall equal or exceed the base flood. Wind loading values shall be in accordance with the latest edition of the Standard Building Code.
- (e) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Article 5, Section B (6) (b) (c) and (d) of this ordinance.
- (f) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Planning/Building Director shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
 - (i) Particle composition of fill material does not have a tendency for excessive natural compaction;
 - (ii) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (iii) Slope of fill will not cause wave run-up or ramping.
- (g) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage;
- (h) Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally

high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

- (i) No solid walls shall be allowed, includes solid breakaway walls, and;
 - (ii) Material shall consist of lattice or mesh screening only.
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- (i) If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
 - (j) Prior to construction, plans for any building that will have lattice work or decorative screening must be submitted to the Planning/Building Director for approval;
 - (k) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in Article 5, Section B, (6) (h) and (i).
 - (l) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section B (6) (b) are met.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, where streams exist but where not base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- (1) No encroachments, including fill material or structures shall be located within areas of special flood hazard unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 4, Section C (11).

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

SECTION E. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade.
- (2) All new construction and substantial improvements of non-residential buildings shall:
 - (a) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least (2) two feet above the highest grade, or;
 - (b) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.