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**4.02.00. COASTAL RESOURCE PROTECTION**

**4.02.01. Purpose and Intent.**

The purpose for the creation of regulations governing development in the coastal areas of the County is the protection and enhancement of the quality and function of the environmentally sensitive natural resources which are unique inherent to the County's dune systems and dune lake systems. Additionally, it is the intention of the County to protect people and property located in identified high hazard the coastal areas by defining and applying appropriate land use mechanisms here which will serve to limit development in defined high hazard these areas. It is the intent of the County to apply local land use regulatory mechanisms such as density transfer, buffering, alternative site designs, setbacks, and clearing restrictions to preserve and also protect and/or enhance the quality and function of existing coastal existing natural resources and limit development in defined high hazard areas.

**4.02.02. Coastal Resource Protection Zones.**

In consideration of their environmentally sensitive natural resource qualities, the County hereby designates three types of protection zones as described below in which special restrictions on development apply.

**A. Coastal Protection Zone (CPZ).**

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

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

**4.02.03. B. Coastal Dune Lake Protection Zone (CDLPZ).**

Location of Coastal Dune Lake Protection Zones. All lands within an area beginning at the mean or ordinary high water line of the coastal dune lakes and their tributaries and extending 300 feet landward.

**C. Coastal Dune Lake Outfall Zone (CDLOZ).**

Location of Coastal Dune Lake Outfall Zones. This zone shall encompass all lands within 50 feet landward of the historical area in which a coastal dune lake intermittently opens and closes, providing for the exchange of fresh and salt water with the Gulf of Mexico.

1 **4.02.063. Restrictions on Development.**

2 **A. Within the Coastal Protection Zone.**

3 1. Development within this Zone is limited to those activities which are presumed to have  
4 insignificant adverse effect on the resources within the Zone. The following activities are  
5 presumed to have an insignificant adverse effect:

6 a. The designation and development of scenic, historic, wildlife, or scientific preserves.

7 b. Minor maintenance or emergency repair to existing structures or existing improved  
8 areas.

9 c. Dune walkovers and overlook pavilions as permitted by FDEP guidelines.

10 d. Constructing fences where no fill activity is required and where navigational access  
11 will not be impaired by construction of the fence.

12 2. No activities shall be permitted which create erosion of a dune or the dune system.

13 3. Natural dune vegetation within the overlay zone shall be disturbed only to the extent  
14 necessary to construct these boardwalks and related structures; however, in no case  
15 may more than ten percent of the existing vegetation or dune be disturbed.

16 4. All boardwalks and any other constructed features will be constructed to allow  
17 potential animal movement and to maintain density and vigor of vegetation and to  
18 prevent blowouts.

19 5. If these regulations render a property owner unable to build a single-family dwelling  
20 unit on an existing lot of record as of the date of plan adoption November 7, 1996 that  
21 lies wholly within the zone, then the owner shall be allowed to construct a single-family  
22 residential dwelling unit, providing that the owner complies with all permit requirements of  
23 the FDEP and limits the extent of disturbance to the minimum area necessary to  
24 accommodate the dwelling unit and access driveway.

25  
26 **B. Within the Coastal Dune Lake Protection Zone.** Development shall be allowed within this  
27 zone, subject to the following restrictions:

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

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

36 3. Erosion control: Specific erosion control measures shall be utilized during construction  
37 activity, such as staked and staggered hay bales, siltation barriers, floating silt and filter  
38 berms. Further, erosion and sedimentation controls shall be left in place until the  
39 disturbed areas are stabilized with permanent vegetation that will prevent the transport of  
40 sediment off site. In addition to erosion control during construction, stabilization of the  
41 shoreline shall be provided by limiting clearing of natural vegetation within 100 feet of the

1 mean or ordinary high water line of the coastal dune lake shoreline to 25 percent of the  
2 site.

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

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

6 6. Endangered Species: Native vegetative communities, including habitat for listed  
7 species, in this zone shall be protected in accordance with Policy C-3.2.71.11.3. of the  
8 Comprehensive Plan.

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

11 8. ~~Open Space:~~ All development shall be set back from the mean or ordinary high water  
12 line at least 100 feet. All new development and redevelopment shall preserve at least 75  
13 percent of the portion of the parcel within the 300-foot protection zone in open space,  
14 and consistent with the purpose of this Section of the Land Development Code, to be  
15 used for conservation. Vegetative clearing within this preserved area shall be limited to  
16 that which is necessary to accommodate the 25 percent development that is permitted,  
17 plus a ten foot cleared buffer immediately adjacent to buildings.

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

21 10. Where any portion of a parcel is located within the Coastal Dune Lake Protection  
22 Zone (CDLPZ), a Lot Clearing Permit is required to better control erosion and  
23 sedimentation to protect these environmentally sensitive Coastal Dune Lakes, and  
24 assure compliance with applicable provisions of this Code.

25 a. It shall be unlawful for any person to clear any portion of a parcel located within the  
26 CDLPZ without first obtaining a Lot Clearing Permit from the County.

27 b. In accordance with Section 4.06.02, General Native Vegetation and Wildlife Habitat  
28 Preservation Requirements, it shall be unlawful for any person to burn, cut, poison, or  
29 otherwise remove any protected vegetation on any lot within the CDLPZ without  
30 obtaining authorization from the County.

31 c. Failure to obtain authorization (permit) to clear a parcel within the Coastal Dune  
32 Lake Protection Zone shall be subject to Code Enforcement in accordance with  
33 Chapter 12 of the LDC.

34 d. Lot Clearing Permit Applications must be submitted to Walton County Planning and  
35 Development Services.

36 e. Permit standards:

37 i. All vegetative debris shall be properly removed from the subject property.

38 ii. All state and federal permits must be provided to the County prior to  
39 commencement of any clearing activity.

40 iii. All permits must be placed in a job box and shall be placed on the property  
41 facing the road.

42 iv. Prior to construction, the limits of the proposed impact areas shall be clearly  
43 flagged and staked by the agent and/or the contractor. All construction personnel

1 shall be familiar with the location(s) of all wetland areas outside of the construction  
2 area to prevent encroachment from heavy equipment into these areas.

3 v. All disturbed areas will require final site stabilization no later than 7 days after  
4 clearing is complete.

5 f. Duration:

6 i. A Lot Clearing Permit is valid for 6 months from date of issuance. Applicant or  
7 contractor must notify the County prior to commencement.

8 g. Clearing is defined as any land alteration activity causing soil disturbance utilizing  
9 any tracked or wheeled mechanical equipment including the following activities:  
10 removal of vegetation, dredging or filling of wetlands for which state and federal  
11 permits have been obtained, construction of driveways and parking pads, and culvert  
12 installation or removal of soil.

13 (Ord. No. 2014-11, §2, 5-13-14)

14  
15 **C. Within the Coastal Dune Lake Outfall Zone.** No development is allowed within a  
16 minimum of fifty feet from the historical outfall area. This buffer area shall be left  
17 undisturbed along either side of the historical outfall area.

18  
19 **4.02.04 Exceptions to Development Restrictions.**

20 **A. Recorded Subdivision Plats.** Where original recorded subdivision plats contain  
21 descriptive notes concerning wetland or other natural resource protection measures,  
22 graphically depicted boundary lines referencing natural resource protection, in case of  
23 errors on plats, these standards supersede the protection standards defined in this Chapter.  
24 If specific resource protection standards are not stated on the recorded plat, the natural  
25 resource protection standards of this Chapter apply to proposed site development.

26 **B. Previously Existing Lots.** For residential lots platted or existing prior to January 5, 1993,  
27 the open space and twenty-five (25) percent development limitation of Section 4.02.03 (B)  
28 (8) may be extended to an amount equal to fifty (50) percent of the lot area within the  
29 CDLPZ. For purposes of calculations for development area, areas graded to meet the  
30 stormwater treatment objectives of Section 4.02.03 (B) (2) shall not be included in the  
31 development area calculations. However, stormwater treatment and management facilities  
32 shall be designed to the smallest dimensions and orientations feasible to meet applicable  
33 regulatory standards. The location of stormwater treatment and management facilities shall  
34 meet all buffers and setbacks as established in this Chapter.

35  
36 **C. Legal Nonconformity.** Any single-family residential structure which existed as a legal  
37 nonconformity as of the date of adoption of this Section, \_\_\_\_\_, 2014, on a parcel within the  
38 Coastal Dune Lake Protection Zone, may be rebuilt within the footprint of the original  
39 foundation after being destroyed or substantially damaged by fire, flood, or storm event.

40 **4.02.05. Coastal Shoreline Life and Property Protection Zones.**

41 In consideration of the inherent threats to life and property, and the associated need for  
42 additional standards to mitigate risks and protect life and property, the County hereby

1 designates two types of shoreline coastal protection zones as described below in which  
2 special restrictions on development apply.

3  
4 **4.02.04. A. Coastal High Hazard Zone Area (CHHA).**

5 Location of Coastal High Hazard Area Zone. ~~All lands within the area encompassed by the~~  
6 ~~Category I storm surge area as depicted on the map included here as Exhibit 2-2. (the Tri-~~  
7 ~~State Hurricane Evacuation Study, June 1986)~~ This zone shall encompass all area below  
8 the elevation of the Category 1 storm surge line as established by the Sea, Lake, and  
9 Overland Surges from Hurricanes (SLOSH) computerized storm surge model; also known  
10 as the "high-hazard coastal area."

11  
12 **4.02.05. B. Coastal Building Zone (CBZ).**

13 Location of the Coastal Building Zone. This zone shall encompass aAll land between the  
14 130 mph and 140 mph lines (140 mph zone) as shown on the Walton County Wind-Borne  
15 Debris Regions and Basic Wind Speeds Map, and all areas in any wind zone that are also  
16 in the V-Zone on the FEMA Flood Maps. Certified engineering interpolation between the  
17 wind speed lines is permitted. (Ord. No. 2002-10, § 1, 4-9-02; Ord. No. 20.07-53, § 1, 12-  
18 11-07)

19  
20 **4.02.06. Restrictions on Development.**

21  
22 **C. A. Within the Coastal High Hazard Zone.**

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

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

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

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

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

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

13  
14 **D. B. Within the Coastal Building Zone.** Development is permitted within the areas of this  
15 Zone where it is not prohibited by the development restrictions provided in the Coastal  
16 Protection Zone, the Coastal Dune Lake Protection Zone and/or the Coastal High Hazard  
17 Zone.

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

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

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

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

27 3. For structures located partially in the coastal building zone, the requirements of this  
28 section shall apply to the entire structure.

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

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

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

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

- 1 aa. Pile dimensions, spacing and embedment shall be designed consistent with  
2 the requirements of the site, taking into account all vertical, lateral, erosion, and  
3 scour-producing forces.
- 4 bb. Piles shall be driven to a penetration which achieves adequate bearing  
5 capacity taking into consideration the anticipated loss of soil above the design  
6 grade.
- 7 cc. In addition to the normal foundation analysis, the pile foundation analysis  
8 shall consider piles in column action, where appropriate, from the bottom of the  
9 support structure to the design grade.
- 10 dd. Consideration shall also be given to the degree of exposure to wave attack  
11 and the resulting impact loads on lateral or diagonal bracing between piles.
- 12 ii. Monolithic foundations may be permitted in Federal Emergency Management  
13 Agency emergency insurance rate map "A" or "B" zones or in locations not  
14 impacted by wave action.
- 15 aa. Monolithic foundations may be used if soil conditions permit and if located at  
16 an elevation which minimizes their effect on the beach and adjacent properties.  
17 Due consideration should be given to their vulnerability to erosion under design  
18 storm conditions.
- 19 bb. In the event that a monolithic foundation is used, the maximum elevation of  
20 the top of the slab is to be below the design scour depth (see chapter 5.28,  
21 Shore Protection Manual, U.S. Army Corps of Engineers, fourth edition, 1984)  
22 unless positive methods are provided to prevent scour.
- 23 cc. Other types of spread footings, such as running footers or pads, may be  
24 permitted when positive methods are provided to prevent scour.
- 25 b. Understructures. No substantial walls or partitions shall be considered below the  
26 level of the first finished floor. This does not preclude the construction of:
- 27 i. Stairways;
- 28 ii. Shear walls essentially perpendicular to breaking waves;
- 29 iii. Shear walls essentially parallel to breaking waves which do not exceed a  
30 maximum of 20 percent of the building length;
- 31 iv. Wind or sand screens constructed of fabric or wire mesh;
- 32 v. Light open lattice partitions with individual wooden lattice strips no greater than  
33 three-fourths inch thick or three inches wide;
- 34 vi. Elevator shafts;
- 35 vii. Breakaway or frangible walls; or
- 36 viii. Substantial walls constructed above the wave action and storm surge expected  
37 under design storm conditions.
- 38 c. Building and Floor Elevations. The minimum elevation for the underside of the  
39 building support structure (excluding foundation) shall be above the elevation of the  
40 design breaking wave crests or wave uprush superimposed on the storm surge with  
41 dynamic wave setup expected under design storm conditions. The elevation of the  
42 storm surge with dynamic wave setup shall be either the elevation established by the

1 Florida Department of Environmental Protection coastal construction line study or the  
2 base flood elevation for the specific area established by the Federal Emergency  
3 Management Agency as determined by the design engineer.

4 d. *Erosion and Design Grade.*

5 i. Calculations for wave forces resulting from design storm conditions on  
6 building foundations and superstructures may be based upon the minimum criteria  
7 and methods prescribed in the Naval Facilities Engineering Command Design  
8 Manual, NAVFAC DM-26, U.S. Department of Navy; Shore Protection Manual, U.S.  
9 Department of the Army Corps of Engineers; U.S. Department of the Army Coastal  
10 Engineering Research Center technical papers and reports; the technical and  
11 design memoranda of the division of beaches and shores, Florida Department of  
12 Natural Resources; or other professionally recognized methodologies which  
13 produce equivalent design criteria.

14 ii. Breaking, broken, and nonbreaking waves shall be considered as applicable.  
15 Design wave loading analysis shall consider vertical uplift pressures and all lateral  
16 pressures to include impact as well as dynamic loading and the harmonic  
17 intensification resulting from repetitive waves.

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

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

34 g. *General Design Conditions.*

35 i. Foundations for all major structures shall be designed for the horizontal and  
36 vertical pressures generated by wave forces between the elevation of the design  
37 breaking wave crests or wave uprush superimposed upon the storm surge and the  
38 stable soil elevation of the site.

39 ii. All major structures, except mobile homes, shall be designed to withstand  
40 horizontal wind velocity pressures given below: Basic wind velocity design  
41 pressures shall be as required in the Florida Building Code, and the Walton County  
42 Wind-Borne Debris Regions and Basic Wind Speeds Map. [Walton County Code  
43 Section 6-26].

44 iii. Appropriate shape factors shall be applied for resistance against overturning  
45 and uplift as required elsewhere in this Code.

46 iv. Mobile homes shall conform to the federal mobile home construction and  
47 safety standards of the Uniform Standards Code ANSI book A-119.1, pursuant to  
48 section 320.823, Florida Statutes. In addition, mobile homes shall be placed in

1 accordance with federal flood insurance regulations and otherwise in accordance  
2 with the other provisions of this Code.

3 v. Nonhabitable major structures shall be constructed in accordance with other  
4 applicable provisions of the local building code and they shall be designed to  
5 produce the minimum adverse impact on the beach and dune system. All sewage  
6 treatment and public water supply systems shall be flood proofed to prevent  
7 infiltration of surface water anticipated under design storm conditions.

8 vi. Minor structures shall be constructed in accordance with other applicable  
9 provisions of the local building code and shall be designed to produce minimum  
10 adverse impact on the beach and dune system.

11 vii. Construction, except for elevated walkways, lifeguard support stands, piers,  
12 beach access ramps, gazebos, and coastal or shore protection structures, shall be  
13 located a sufficient distance landward of the beach to permit natural shoreline  
14 fluctuations and to preserve dune stability. Construction, including excavation, may  
15 occur to the extent that the natural storm buffering and protection capability of the  
16 dune is not diminished.

17 viii. Structural building plans for building permits in the Coastal Building Zone  
18 shall be certified by an architect or engineer registered in the State of Florida. Such  
19 certification shall state essentially the following: "I certify that the design plans and  
20 specifications for this construction are in compliance with the criteria established by  
21 the Florida Building Code and section 4.02.06 of the Walton County Land  
22 Development Code. This building and/or structure is designed to withstand a wind  
23 velocity of 140 MPH (unless engineering interpolation provided or in a V-Zone) and  
24 Chapter 16 of the Florida Building Code. Also, upon completion of this building  
25 and/or structure, I will certify at that time the building and/or structure has complied  
26 with this specific building design. This must be on file at the Walton County Building  
27 Department before receiving an inspection for power. I understand that any change  
28 in design or specification must be submitted in writing by me to the Building  
29 Department. All drawings and/or correspondence shall be signed and sealed." (Ord.  
30 No. 2002-10, §1, 4-9-02; Ord. No. 2007-53, §1, 12-11-07)

#### 31 **4.02.07. References.**

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

34 **A.** Shoreline Protection Manual, U.S. Army Corps of Engineers, fourth edition, 1984.

35 **B.** U.S. Department of the Army, Coastal Engineering Research Center's technical papers  
36 and reports.

37 **C.** Florida Department of Natural Resources, Division of Beaches and Shores technical and  
38 design memoranda.

39 **D.** Naval Facilities Engineering Command Design Manual, NAVFAC DM-26,  
40 U.S. Department of the Navy.

1 *General Requirements for all Coastal Zones.* The following restrictions and/or standards  
2 shall apply to all development and other human activities within all four of the Zones created  
3 above. Applications for development and/or building permits for all construction in all  
4 Coastal Zones shall be certified by an architect or professional engineer registered in the  
5 State of Florida. Such certification shall state that the design plans and specifications for the  
6 construction are in compliance with the criteria established by this section. Applications for  
7 development and/or building permits for all construction in all Coastal Zones shall include a  
8 topographic map prepared by a licensed surveyor which clearly identifies the primary dune  
9 system and the location of each relevant Coastal Zone. The map shall be verified by the  
10 County Engineer on a case-by-case basis. The County shall not approve any construction  
11 seaward of the Coastal Construction Control Line, including construction of coastal or shore  
12 protection structures, until an applicant as received all necessary permits for such  
13 construction from the Florida Department of Environmental Protection and from any other  
14 state or federal agency with permitting authority over such construction. The County shall  
15 issue no development order or permit for construction on a new parcel if such new parcel  
16 lies entirely seaward of the Coastal Construction Control Line. No motor-driven vehicles are  
17 permitted to be driven on dunes with the exception of emergency vehicles responding to an  
18 emergency. No activities shall be permitted which create erosion on the dunes. The  
19 placement of colored or silty fill material within any Coastal Zone where the beaches may  
20 become discolored by such materials is prohibited. Where the public has established an  
21 accessway through private lands to lands seaward of mean high tide or water line by  
22 prescription, prescriptive easement, or any other legal means, development of [or]  
23 construction shall not interfere with such right of access unless a comparable alternative  
24 accessway is provided. The developer shall have the right to improve, consolidate, or  
25 relocate such public accessways so long as they are:

- 26 1. Of substantially similar quality and convenience to the public;
- 27 2. Approved by the local government; and
- 28 3. Consistent with the coastal management element of the local comprehensive plan  
29 adopted pursuant to section 163.3178, Florida Statutes.

30

#### 31 **4.03.00. SHORELINE PROTECTION**

##### 32 **4.03.01. Purpose and Intent.**

33 The purpose of the creation of regulations governing development of areas adjacent to  
34 surface water bodies in the County is the protection and enhancement of the quality and  
35 function of the natural systems which are unique to the shoreline areas of these water  
36 bodies. It is the intent of the County to use local land use regulatory mechanisms such as  
37 density transfer, buffering and clearing restrictions to preserve and/or enhance the water  
38 quality in these water bodies.

39

##### 40 **4.03.02. Shoreline Protection Zones.**

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

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

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

8 **C. Coastal Dune Lake Protection Zones.** This zone encompasses all land beginning at the  
9 mean or ordinary high water line of coastal dune lakes and their tributaries and extending  
10 300 feet landward.

11 **D. Exemptions.** Single-family development on existing lots of record established before  
12 December 28, 1992, that lack sufficient depth to meet the above listed buffer requirements  
13 for inlets, creeks, rivers, canals, and coastal dune lakes, and Choctawhatchee Bay shall be  
14 subject to a reduced buffer. A lot lacking sufficient depth means a lot that is 200 feet or less.  
15 Such lots shall be subject to a minimum buffer of 25 feet or 20 percent of the depth of the  
16 lots, whichever is greater. Clearing within this buffered setback shall be limited to a  
17 maximum swath of ten feet for access purposes. (Ord. No. 2004-15, § 4, 4-6-04)

18  
19 **4.03.03. Restrictions on Development.**

20 **A. Within the Shoreline Protection Zone.** Development activities related to the following are  
21 permitted within this Zone and are presumed to have an insignificant adverse effect on the  
22 resources within the Zone:

- 23 1. Scenic, historic, wildlife, or scientific preserves.
- 24 2. Minor maintenance or emergency repair to existing structures or improved areas.
- 25 3. Clearing walking trails having no structural components.
- 26 4. Boardwalks, docks and other shoreline access structures.
- 27 5. Commercial or recreational fishing or hunting, and creation and maintenance of  
28 temporary blinds.
- 29 6. Cultivating agricultural or horticultural products that occur naturally on the site.
- 30 7. Constructing fences where no fill activity is required and where navigational access  
31 will not be impaired by construction of the fence.
- 32 8. Developing a "wetlands stormwater discharge facility" or "treatment wetland" in  
33 accordance with state permits received under chapters 17-25 and 17-6, Florida  
34 Administrative Code.

35 **B. Within the Bay Shoreline Protection Zone.**

- 36 1. No development shall be located within 50 feet landward of the mean high water line  
37 of Choctawhatchee Bay and bayous connected directly to the Bay, with the exception of  
38 boardwalks, public access facilities and/or landward portions of docks which are  
39 otherwise permitted or exempted from permitting under the same applicable regulations.
- 40 2. Within this buffer area, clearing of native vegetation shall be limited to 25 percent of  
41 the total area within the Zone on that site.

1 3. Within this buffer area, no pier, dock or walkway shall be located over submerged  
2 land which is vegetated with seagrasses except as necessary to reach waters at a depth  
3 of one foot below the lowest point of the boat, including the motor, at mean low tide.  
4 Boring to set pilings is allowed; however, any material removed must be disposed of at  
5 an upland site intended for this purpose. Unless vessel access would be prohibited, the  
6 docking terminus shall not be located over submerged vegetation areas, such as  
7 seagrass beds.

8 4. Seawalls: New vertical seawalls and bulkheads shall be prohibited along  
9 Choctawhatchee Bay, unless the property is located directly in between two properties  
10 that have an existing seawall, provided that the length of the seawall does not exceed  
11 150 feet. In other areas, alternatives such as revetments, rip-rap, native vegetation and  
12 other shoreline protection structures which serve to dissipate wave energies shall be  
13 required.

14 5. Landward of this buffer area, development activities will be permitted in this Zone,  
15 subject to the following restrictions and standards:

16 a. Septic tanks: Septic tank drain fields must be located at least 75 feet from the  
17 ordinary or mean high water line, whichever applies;

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

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

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

31 e. Seawalls: New vertical seawalls and bulkheads shall be prohibited along  
32 Choctawhatchee Bay, unless the property is located directly in between two properties  
33 that have an existing seawall, provided that the length of the seawall does not exceed  
34 150 feet. In other areas, alternatives such as revetments, rip-rap, native vegetation  
35 and other shoreline protection structures which serve to dissipate wave energies shall  
36 be required.

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

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

41 ~~C. Within the Coastal Dune Lake Protection Zone.~~

- 1 ~~1. Septic tank drainfields must be located at least 100 feet from the mean or ordinary~~
- 2 ~~high water line.~~
- 3 ~~2. New lots shall be graded to ensure untreated stormwater runoff from lawn fertilizers,~~
- 4 ~~pesticides, or patios driveways, etc. do not enter the lake.~~
- 5 ~~3. The lot must use a vegetated swale and berm system, underground seepage system~~
- 6 ~~or other stormwater treatment method between the developed area and the lake to hold~~
- 7 ~~and treat runoff.~~
- 8 ~~4. No land use which stores, handles or generates hazardous waste shall be allowed in~~
- 9 ~~the zone.~~
- 10 ~~5. Seawalls, bulkheads, revetments and rip rap are not permitted.~~
- 11 ~~6. Native vegetative communities, including habitat for listed species, in this zone shall~~
- 12 ~~be protected in accordance with Comprehensive Plan Policy C.3.2.7.~~
- 13 ~~7. No new point or non-point sources of pollution shall be discharged into the lake.~~
- 14 ~~8. All development shall be set back from the mean high water at least 100 feet.~~
- 15 ~~9. All development shall preserve at least 75 percent of the parcel within the 300 foot~~
- 16 ~~zone as open space. Vegetative clearing within the zone shall be limited to that which is~~
- 17 ~~necessary to accommodate the 25 percent which is permitted plus a ten foot cleared~~
- 18 ~~buffer immediately adjacent to buildings.~~
- 19 ~~10. Where any portion of a parcel is located within the Coastal Dune Lake Protection~~
- 20 ~~Zone (CDLPZ), a Lot Clearing Permit is required to better control erosion and~~
- 21 ~~sedimentation. Lot clearing within the CDLPZ shall conform to Section 4.02.06 B. of this~~
- 22 ~~Code.~~
- 23 ~~(Ord. No. 2014-11, §2, 5-13-14)~~

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

- 27 1. The native ground cover, shrubs, and trees within these Zones must be retained,
- 28 wherever feasible.
- 29 2. All new or redeveloped shoreline land uses shall:
  - 30 a. Locate on existing upland areas;
  - 31 b. Be constructed to conform to coastal construction building codes;
  - 32 c. Be constructed in accordance with the policies for construction within the Coastal
  - 33 High-Hazard Area;
  - 34 d. Demonstrate that existing public utilities, infrastructure and services are in place to
  - 35 support the proposed use;
  - 36 e. Not be in conflict with existing, conforming, adjacent land uses;
  - 37 f. Provide public access where traditional public access points are directly affected by
  - 38 the development;
  - 39 g. Landscape using native plant species;

- 1 h. Provide for the treatment of all discharge, including stormwater runoff, from land
- 2 uses into bodies of water to incorporate standards for treatment adequate to meet the
- 3 County's adopted level of service standard for drainage facilities; and
- 4 3. All new, expanded or redeveloped marinas located or to be located on the shoreline
- 5 of any surface water body shall comply with the following criteria:
- 6 a. Demonstrate the presence of upland areas which are large enough to
- 7 accommodate all required utility and support facilities as well as enough parking to
- 8 satisfy the projected demand based upon professionally accepted standards such
- 9 those of the Institute of Transportation Engineers;
- 10 b. Provide a hurricane mitigation and evacuation plan;
- 11 c. Be located in proximity to existing channels so that minimum or no dredging shall
- 12 be required for provision of docking facilities;
- 13 d. Have available sewage treatment facilities to serve the anticipated volume of waste
- 14 consistent with County's adopted the level of service standard for sanitary sewer
- 15 facilities;
- 16 e. Locate in areas having adequate water depth to accommodate the proposed boats
- 17 use without disturbance of bottom habitats;
- 18 f. Delineate immediate access points with channel markers that indicate speed limits
- 19 and any other applicable regulations;
- 20 g. Be sited in areas consistent with the land uses in the Future Land Use Map;
- 21 h. Locate in areas away from seagrass beds, oyster reefs and other important fish
- 22 and shellfish spawning and nursery areas;
- 23 i. Demonstrate that it meets a public need thereby demonstrating economic
- 24 viability/feasibility;
- 25 j. Dry (stacked) storage, elevator lifts, and other land-based alternatives are
- 26 preferential to dredged basins wherever feasible alternatives are possible.
- 27
- 28