

IV-1 ENVIRONMENTALLY SENSITIVE LANDS

IV-1.1 Intent

It is the intent of this section to provide specific requirements to ensure the protection and conservation of environmentally sensitive lands, including their natural functions.

IV-1.2 Definitions

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

Adjacent to an Environmentally Sensitive Land – Any location immediately abutting the boundary of an environmentally sensitive land, whether the location is on or off the development site.

Adverse Effects – Any modification, alteration, or effect on waters, associated wetlands or shorelands, 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 interferes with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative impacts, as well as direct impacts.

Associated Wetland – Any wetland that is adjacent or contiguous to water, 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.

Environmentally Sensitive Lands – These land areas include any wetland areas within the City of Milton under the jurisdiction of the Florida Department of Environmental Regulation and/or the U.S. Army Corps of Engineers; and all floodprone land areas classified by the Federal Emergency Management Agency as A or V Zones on the Flood Insurance Rate Maps.

Types of Buffers – The buffer may be existing undisturbed natural vegetation or where the natural barrier was altered or no longer exists because of past lawful activities, a planted vegetated buffer supplemented with fencing or other manmade barriers, so long as the function of the buffer and intent of this policy are fulfilled. Fencing can be used to supplement the buffer requirements but may not be used as a replacement to the buffering requirements.

(Ref. Ord. #1192-05)

Water or Waters – Includes, but is not limited to, water on or beneath the surface of the ground, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

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 other 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:

- a) the boundary established by the annual mean high water (MHW) mark, or
- b) the landward boundary of wetland vegetation as established by the Florida Department of Environmental Regulation (DER) or U. S. Army Corps of Engineers (COE) jurisdictional determination.

Wetlands – Those areas that fall under the jurisdiction of the U. S. Army Corps of Engineers or the Florida Department of Environmental Protection. **(Ref. Ord. #1192-05)**

IV-1.3 Requirements

Any development proposal containing environmentally sensitive lands (ESL'S), as herein defined, or development activity adjacent to ESL's shall be classified as a major development for development review purposes. In addition to the requirements of this section, all development activity within areas of special flood hazard must comply with the related requirements and provisions contained in Section IV-3, Flood Damage Prevention.

- A. The Planning and Development Department shall require that a jurisdictional determination be conducted by the Florida Department of Environmental Regulation (DER) and/or the U.S. Army Corps of Engineers (COE) within proposed development areas deemed to be potentially classified as wetlands. It shall be the responsibility of the developer to obtain such a jurisdictional determination.
- B. During the platting of environmentally sensitive lands, the City will allow lot layout and setbacks to vary so that development can be clustered on the upland portions of the site. Any development occurring in wetlands areas must meet state and federal permitting requirements.
- C. Site plans for proposed development activity must identify the location and extent of jurisdictional wetlands and FEMA A and V Zones.
- D. Permits for development adjacent to wetlands shall require that septic tanks and the associated drainfield be setback a minimum of 150 feet from wetlands or waters edge. **(Ref: Ord.# 1089 dated 5/14/02)**
- E. Where alteration of wetlands is necessary to allow for reasonable use of property, site plans must provide measures to maintain the natural hydrology of wetlands, such as constructing roadway and/or driveway culverts.
- F. All publicly owned environmentally sensitive lands shall be designated for conservation and/or public recreation use.

- G. In addition to stormwater management requirements specified in Section V-6, applicable best management practices specified in the Florida Department of Environmental Regulation, Florida Development Manual, Chapter 6, Sections 2.04, and 1.01 through 1.86, shall be utilized during construction activity.
- H. The construction of any structure, whether for residential or other purposes, or any use which may in any way impair the flow of floodwater within a designated floodway are prohibited.

IV-1.4 Vegetative Buffer Requirements

- A. The City shall protect and conserve the natural functions of wetlands and waterbodies through wetland and shoreline protection buffers. The buffer width of wetland and shoreline protection buffers may vary depending upon such factors as slope, elevation and vegetational transition. The buffers shall be as follows:
 - 1. For existing cleared industrial and commercial projects along rivers, streams and regulated wetlands, a minimum fifteen (15) foot buffer is to be provided.
 - 2. For new industrial and commercial projects on undeveloped land located along rivers, streams and regulated wetlands, a minimum thirty-foot (30') natural vegetative buffer shall be provided. Thinning of the underbrush without disturbing the land will be allowed. The definition of underbrush and method of removal of the underbrush shall be as defined by FDEP and USACOE.
 - 3. For existing cleared residential property the same requirements as (1) above shall apply with a minimum fifteen (15) foot buffer and the area between the rear building setback line and the buffer shall be stabilized and/or grassed.
 - 4. For residential development on undeveloped land, the same requirements as (2) above except the buffer provided shall be fifteen (15) feet and the area between the rear building setback line and the buffer shall be stabilized and/or grassed.
- B. Allowable development within wetlands and associated wetland buffers includes, piers, docks, elevated walkways, public picnic pavilions, public parks, gazebos, or structures approved and permitted by the FDEP and/or USACOE and an attendant fifteen feet wide cleared path through the buffer for purposes of providing access to such structures. Encroachments are also permitted for roads, utilities and recreational crossings, consistent with permits issued by regulatory agencies. The number of such encroachments shall be minimized by co-location of utilities, roads and other crossings. The wetlands protection buffer shall begin at the Florida Department of Environmental Protection Agency or the Army Corps of Engineering jurisdictional line whichever is more landward of the two. In the absence of wetlands along rivers and streams, a buffer extending landward of the mean or ordinary high-water line, as applicable, shall be required as specified above. The buffer zones shall consist of preserved native vegetation, including canopy, understory and ground cover whenever possible. If there is no native vegetation on the site, a planted vegetated buffer (as indicated above) shall be required as part of the site development. Variances to the buffer requirements shall only be granted when strict application of the requirements limits all reasonable use of the property as allowed by the Future Land Use Map.

- C. Where sufficient uplands exist to locate the proposed development in the upland portion of the site, the City may allow the transfer of development at the lesser of the future land use densities established on the Future Land Use Map, or the density established for the assigned zoning district in the Land Development Code, from the wetland to the upland portion of the site. The transfer of density may occur provided all other plan provisions are satisfied regarding, but not limited to, upland and floodplain resource protection, compatibility of adjacent land use, stormwater management and setbacks. Transfer of development densities shall also satisfy the minimum lot size of the zoning district in which the lot is located.
- D. Any new lots created hereafter will have enough buildable upland area to accommodate the level of development appropriate for the designated land use, so that wetlands impacts can be avoided and appropriate buffers accommodated. For lots existing prior to adoption of this plan, where sufficient upland do not exist to avoid a taking, development in the wetlands shall be restricted to allow the appropriate residential density use at the density of one dwelling unit per five acres. In the event a parcel is less than five acres, a single-family dwelling will be allowed on each parcel, which existed prior to the adoption of this plan. Single family dwelling development on existing parcels which are permitted pursuant to this policy that cannot meet the buffer requirements, may be reduced proportionately with the parcel dimensions. For lots existing prior to adoption of this plan where sufficient depth of the uplands do not exist, to avoid a taking, development shall be restricted to a single-family dwelling subject to a reduced buffer. A lot lacking sufficient depth means a lot that is 100 feet or less. Such lots shall be subject to a minimum buffer of 10 percent of the depth of the lot. The buffer may be supplemented with a fence to further protect the wetlands. Access to the river, stream or wetland shall be limited to a 15-foot swath, which shall be maintained in grass or other pervious material (not to be paved or any other impervious surface). **(Ref. Ord.#1192-05)**

IV-2 BLACKWATER RIVER PROTECTION

IV-2.1 Intent

It is the intent of this section to provide specific development requirements to protect the Blackwater River, including its water quality and recreational resources, which is classified as an Outstanding Florida Water. Furthermore, it is the intent of this section to protect the Blackwater River from encroachment by development activity.

IV-2.2 Definition

As used in this Chapter, the following words, phrases, and terms shall have the meanings herein assigned:

River's Edge – The river's edge shall be determined by the top of bank of the normal stream channel.

IV-2.3 Requirements

The following protective measures shall be required, as applicable, for development activity occurring in the vicinity of the Blackwater River.

- A. Septic tank systems, including drainfields, shall be prohibited within 150 feet of the Blackwater River. New septic tanks shall only be allowed in areas with soil conditions classified by the Soil Conservation Service (SCS) Soil Survey for Santa Rosa County as acceptable for septic tank absorption fields, provided such systems are setback a minimum of 150 feet from the Blackwater River. Existing septic tank systems located within this 150 foot buffer shall be systematically converted to a central sanitary sewer system by fiscal year 1995.

- B. Specific development setbacks of 30 feet from the Blackwater River shall be required for both principal and accessory structures, for permitted uses within the RC-1 district. Boathouses, piers, and elevated walkways, pavilions, gazebos and other substantially similar structures shall be exempt from this provision. Any non-conformities resulting from the application of this section shall comply with the requirements of Article III, Section 3-11, Non-Conformities.

IV-3 FLOOD DAMAGE PREVENTION

IV-3.1 Purpose

It is the purpose of this section 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 designated to:

- restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- control filling, grading, dredging and other development which may increase erosion or flood damage; and
- prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

IV-3.2 Intent

The intent of this section is:

- to protect human life and health;
- to minimize expenditure of public money for costly flood control projects;
- to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- to minimize prolonged business interruptions;
- to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- 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
- to ensure that potential home buyers are notified that property is in a flood area.

IV-3.3 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.

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

(Ref: Ord.#1197-06 dated 02/06/06)

Addition (to an existing building) – 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 a new construction.

Appeal – A request for review of the development approval authorities' interpretation of any provision of this section or a request for a variance.

Area of Shallow Flooding – A designated AO or VO Zone on a community's Flood Insurance Rate 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 – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood – The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation – The water-surface elevation associated with the base flood.
(Ref: Ord.#1197-06 dated 02/06/06)

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

Board of Adjustment – The Board of Adjustment as established by the City of Milton.

Breakaway Wall – 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 – Any structure built for support, shelter, or enclosure for any occupancy or storage.

Coastal High Hazard Area – 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 VI-30, VE or V.

Datum – A reference surface used to ensure that all elevation records are property related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the National Geodetic Vertical Datum (NGDV) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.
(Ref: Ord.#1197-06 dated 02/06/06)

Development – 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 or materials.

Elevated Building – A non-basement building built to have the lowest floor elevated about the ground level of means of fill, solid foundation perimeter walls, pilings, column (posts and piers), shear walls, or breakaway walls.

Encroachment – The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. **(Ref: Ord.#1197-06 dated 02/06/06)**

Existing Construction – For the purposes of floodplain management, structures for which “*the start of construction*” commenced before the date of the initial Flood Insurance Rate Map (FIRM). Existing construction, means for the purposes of determining rates structures for which the “start of construction” commenced before the effective date of 06/01/77. The term may also be referred to as “*existing structures*”. **(Ref: Ord.#1197-06 dated 02/06/06)**

Existing manufactured home park or subdivision – 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 06/01/77. **(Ref: Ord.#1197-06 dated 02/06/06)**

Expansion to an existing manufactured home park or subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). **(Ref: Ord.#1197-06 dated 02/06/06)**

Flood or Flooding –

- (a) 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.
 - (3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition. **(Ref: Ord.#1197-06 dated 02/06/06)**

Flood Boundary and Floodway Map (FBFM) – The official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway. **(Ref: Ord.#1198-06 dated 03/14/06)**

Floodway fringe – That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

(Ref: Ord.#1198-06 dated 03/14/06)

Flood Hazard Boundary Map (FHBM) – 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) – 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 – 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.

Floodplain – Any land area susceptible to being inundated by water from any source (see definition of “flooding”). **(Ref: Ord.#1197-06 dated 02/06/06)**

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

(Ref: Ord.#1197-06 dated 02/06/06)

Floodplain Administrator – The individual appointed to administer and enforce the floodplain management regulations of the community. **(Ref: Ord.#1197-06 dated 02/06/06)**

Floodplain management regulations – This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. **(Ref: Ord.#1197-06 dated 02/06/06)**

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

(Ref: Ord.#1197-06 dated 02/06/06)

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

Floor – The top surface of an enclosed area in a building (including), 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.

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

(Ref: Ord.#1197-06 dated 02/06/06)

Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. **(Ref: Ord.#1198-06 dated 03/14/06)**

Functionally Dependent Facility – 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.

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

(Ref: Ord.#1198-06 dated 03/14/06)

Highest Adjacent Grade – The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure – Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on the Florida inventory of historic places, which has 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 the approved Florida program as determined by the Secretary of the Interior, or
- 2) Directly by the Secretary of the Interior.

(Ref: Ord.#1197-06 dated 02/06/06)

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

(Ref: Ord.#1197-06 dated 02/06/06)

Lowest floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards of this ordinance. **(Ref: Ord.#1197-06 dated 02/06/06)**

Manufactured home park or subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. **(Ref: Ord.#1197-06 dated 02/06/06)**

Market value – The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values. **(Ref: Ord.#1197-06 dated 02/06/06)**

Manufactured Home – For flood insurance purposes, a manufactured home is defined as a structure, 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 trailer, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean Sea Level (MSL) – The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevation within the floodplain. For purposes of this section, the term is synonymous with National Geodetic Vertical Datum (NGVD).

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

New Construction – Structures for which the "start of construction" commenced on or after the effective date of this section.

New Construction (for floodplain management purposes) - Any structures for which the “start of construction commenced on or after the effective date of the initial floodplain management code, ordinance, or standard based upon specific technical base flood elevation data that establishes the area of special flood hazard. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after the effective date of the date of an initial FIRM or after December 31, 1974, whichever is later, and included any subsequent improvements to such structures. **(Ref: Ord.#1197-06 dated 02/06/06)**

New manufactured home park or subdivision – 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 a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management code, ordinance or standard. **(Ref: Ord.#1197-06 dated 02/06/06)**

North American Vertical Datum (NAVD) of 1988 – A vertical control used as a reference for establishing varying elevations within the floodplain. **(Ref: Ord.#1197-06 dated 02/06/06)**

Program deficiency – A defect in the community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program. **(Ref: Ord.#1197-06 dated 02/06/06)**

Public safety and nuisance – Anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, or any navigable lake, or river, bay, stream, canal, or basin. **(Ref: Ord.#1197-06 dated 02/06/06)**

Recreational vehicle – A vehicle that is:

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

(Ref: Ord.#1197-06 dated 02/06/06)

Regulatory floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. **(Ref: Ord.#1197-06 dated 02/06/06)**

Remedy a deficiency or violation – To bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring further similar violations, or reducing Federal financial exposure with regard to the structure or other development. **(Ref: Ord.#1197-06 dated 02/06/06)**

Riverine- Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. **(Ref: Ord.#1197-06 dated 02/06/06)**

Sand Dunes – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area (SFHA) (see Area of Special Flood Hazard) – An area having special flood hazard and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V1-30, VE or V. **(Ref: Ord.#1198-06 dated 03/14/96)**

Start of Construction – (For other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or

any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; it includes the installation of streets and/or walkways; it includes excavation for a basement, footings, piers or foundations or the erection of temporary forms; it includes the installation on the property of accessory buildings, such as garage or sheds not occupied as dwelling units or part of the main structure.

Structure – 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 – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. **(Ref: Ord.#1197-06 dated 02/06/06)**

Substantial Improvement – Any repair, reconstruction or improvement of a structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The market value of the structure should be:

- the appraised value of the structure prior to the start of the initial repair or improvement;
- in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvements" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alterations of a structure listed on the National Register of Historic Places or State Master Site File inventory of historic sites.

Substantially improved existing manufactured home parks or subdivisions – Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equal or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced. **(Ref: Ord.#1197-06 dated 02/06/06)**

Variance – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

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

(Ref: Ord.#1197-06 dated 02/06/06)

Watercourse – A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. **(Ref: Ord.#1197-06 dated 02/06/06)**

Water surface elevation – The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ref: Ord.#1197-06 dated 02/06/06)

IV-3.4 General Provisions

- A. **Applicability:**
This section shall apply to all areas of special flood hazard within the jurisdiction of the City of Milton.
- B. **Basis for Establishing the Areas of Special Flood Hazard:**
The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated May 15, 1985, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be part of this section.
- C. **Establishment of Development Permit:**
A development order shall be required 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;
 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 the City of Milton or by any officer or employee thereof for any flood damage that result from reliance on this section or any administrative decision lawfully made thereunder.
- H. **Penalties for Violation:**

Violation of the provisions of this section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this 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 180 days, or both, and 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 Milton from taking such other lawful actions as is necessary to prevent or remedy any violation.

IV-3.5 Administration

A. Designation of the Building Official:

The Santa Rosa County Building Official is hereby designated to administer and implement the provisions of this section.

B. Permit Procedures:

Application for a development permit shall be made to the Planning and Development Department on forms furnished by him or her prior to any development, activities, and may include, but not limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, 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 structures;
- b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- c) Certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure will meet the flood-proofing criteria in Section IV-3.6, Subsection B.2.;
- 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 in instances where the structure is subject to the regulations applicable to coastal high hazard areas (CHHA), after placement of the horizontal structure 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 Building Official a certification for the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion for the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. The Building Official shall make certain said certification shall be submitted prior to the rough phases of construction inspections. No further construction shall be given approval unless and until the certification is provided as set forth herein. 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 Building Official 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 Building Official:

Duties of the Building Official shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this section have been satisfied.
2. Advise the permit applicant 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 Environmental Regulation 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 that actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section IV-3.5, Subsection B.2.
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section IV-3.5, Subsection B.2.
7. In coastal high hazard areas, certificates shall be obtained from a registered professional engineer or architect that the structure is designed to be 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 Building Official shall review plans for adequacy of breakaway walls in accordance with Section IV –3.6, Subsection B.5.h.
9. When flood-proofing is utilized for a particular structure, the Building Official shall require certification from a registered professional engineer or architect, in accordance with Section IV-3.6, Subsection 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 Building Official 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 Section IV-3.4 Subsection B, then the Building Official 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 Section IV-3.6.

12. All records pertaining to the provisions of this section shall be maintained in the office of the Building Official and shall be open for public inspection.

D. Variance Procedures:

1. The Board of Adjustment as established by the City of Milton shall hear and decide appeals and requests for variances from the requirements of this section.
2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made in the enforcement or administration of this section.
3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision as provided in Article II of these land development regulations.
4. Variances may be issued for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Master Site File Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Section IV-3.5, Subsection D.8.a. and d., and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.
5. In passing upon such application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections, and:
 - a) the danger that materials may be swept onto other land 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 effects 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 time 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, and water systems, and streets and bridges.

6. Upon consideration of the factors listed above, and the purposes of this section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
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 historical character and design of the building.
 - b) Variances shall only be issued upon:
 - (1) a showing of good and sufficient cause
 - (2) a determination that failure to grant the variance would result in exceptional hardship; and
 - (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - c) 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 structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - d) The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

IV-3.6 Provisions for Flood Hazard Reduction

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, collapse or lateral movement of the structure;
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 and consistent with applicable state requirements for resisting wind forces.
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 systems and discharges from the systems into flood waters.
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 structure which is in compliance with the provisions of this section, shall meet the requirements of "new construction" as contained in this section.
10. Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other hazardous or toxic materials shall be located outside of floodprone areas to the extent possible and feasible. In the event that the site of these facilities must be in floodprone or floodplain areas due to overriding circumstances (see variance conditions and standards), the design and construction of the facilities shall be floodproofed in accordance with the following standard: A registered professional engineer must certify that the building or structure has been designed and constructed so that the structure and attendant facilities are watertight and capable of resisting the effects of the regulatory flood below the flood protection elevation established in this section. The design must take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effect of buoyancy, and impacts from debris.
11. Limit the alteration of a natural floodplains, stream channels and natural protection barriers which are involved in the accommodation or incompatible filling, grading, dredging, drainage, and other development which will result in a damaging increase in erosion, habitat destruction, or adverse impacts on the water quality treatment function of the floodplain.
12. In cases where forestry activities are present, a minimum distance of 50 feet of wooded non-disturbed area shall be maintained adjacent to floodplain and floodprone areas for a natural buffer.
13. Compatible uses are highly encouraged in floodplain and floodprone areas including, but not limited to, recreational, agricultural, or other open space use.

B. Specific Standards:

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section IV-3.4, Subsection B. or Section IV-3.5, Subsection C.11. The following provisions are required:

1. Residential Construction – New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than three feet 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 Section IV-3.6, Subsection B.3. Additionally, V-Zone requirement shall be imposed on all lands within 200 feet from the mean high tide line.
2. Nonresidential Construction – New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than one foot above the level of the base flood elevation. Structures located in all A Zones may be flood-proofed in lieu of being elevated provided that all areas of the structure 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 Section IV-3.5, Subsection B.3.
 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 directions.
 - b) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
 - c) 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
 - d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 4. Floodways – Located within areas of special flood hazard established in Section IV-3.4, Subsection B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
 - a) Prohibit encroachment, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachment shall not result in any increase in flood levels during occurrence of the base flood discharge;
 - b) If Section IV-3.6, Subsection B.4.a. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section IV-3.6.

- c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured home (mobile homes) parks 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 Section IV-3.6, Subsection A.2. and the elevation standards of Section IV-3.6, Subsection B.1. are met.
- 5. Coastal High Hazard Areas (V Zones) – Located within the areas of special flood hazard established in Section IV-3.4, Subsection B, are areas designated as Coastal High Hazard areas. These areas have special flood hazards associated with wave wash; therefore, the following provisions shall apply:
 - a) All buildings or structures shall be located 100 feet landward of the reach of the mean high tide;
 - b) All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than 2 feet 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 Section IV-3.6, Subsection B.5.h.;
 - c) All buildings or structures shall be securely anchored on pilings or columns;
 - d) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100 year mean recurrence interval (one percent annual chance flood).
 - e) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with provisions contained in Section IV-3.6, Subsection B.5.b, c and d of this section.
 - 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 the storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Building Official 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 provided the following design specifications are met: (1)

No solid walls shall be allowed; and (2) Material shall consist of lattice or mesh screening only.

- i) If aesthetic lattice work is screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- j) Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the Building Official for approval;
- k) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in Section IV-3.6, Subsections B.5.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 Section IV-3.6, Subsection A.2. and the elevation standards of Section IV-3.6, Subsection B.1. are met.

6. Standards for Manufactured Homes and Recreational Vehicles

- a) All manufactured homes that are placed, or substantially improved within Zones A1 30, AH, and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, the lowest floor be elevated on a permanent foundation to (no lower than three feet above) the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b) All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within Zones A-1, AH, and AE, that are not subject to the provisions of paragraph 4 (a) of this Section, must be elevated so that either:
 - i. The lowest floor of the manufactured home is elevated to no lower than one foot above the base flood elevation, or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 72 inches in height above the grade and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.
- c) All recreational vehicles placed on sites within Zones A1-30, AH, and AE must either:
 - i. Be on the site for fewer than 180 consecutive days,

- ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or
- iii. Meet all the requirements for new construction, including anchoring and elevation requirements in accordance with Section B, provisions (4)(a) and (b) of this Article.
(Ref: Ord.#1197-06 dated 02/06/06)

C. Standards for Streams without Established Base Flood Elevations and/or Floodways: Located within the areas of special flood hazard established in Section IV-3.4, Subsection B, where small streams exist but where no base flood data has been provided or where no floodways have been provided, the following provisions apply:

- 1) No encroachment, including fill material or structures shall be located within a distance of the stream bank equal to two times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with Section IV-3.5, Subsection C.11.

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

E. Standards for Areas of Shallow Flooding (AO Zones):

Located within the areas of special flood hazard established in Section IV-3.4, Subsection B are areas designated as shallow flooding areas. These areas have special flood hazards associated with the base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- 1) All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent (natural) grade.
- 2) All new construction and substantial improvements of nonresidential structures shall:
 - a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent

grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade, or;

- b. together with attendant utility and sanitary facilities be completely 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.

F. Specific Standards:

1. Located within the areas of special flood hazard established in Section IV-3.4, where there exist A Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:
 - a. All applicable provisions of this Section
 - b. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of this ordinance. When such data is utilized, provisions of Section IV-3.6 shall apply. The Floodplain Administrator shall:
 - i. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,
 - ii. Obtain, if the structure has been flood proofed in accordance with the requirements of this Section, the elevation in relation to the mean sea level to which the structure has been flood proofed, and maintain a record of all such information.
 - c. When data is not available from any source, the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent level. **(Ref: Ord.#1197-06 dated 02/06/06)**

IV-3.7 Conflicting Code Requirements

In the event that any portion of these land development regulations is found to be in conflict with the provisions of this section, the requirements of this section shall take precedence for flood insurance purposes.

IV-3.8 Additional Permits

Additional Federal, State of Florida, and local permits may be required, and if such additional permits are necessary, especially as it relates to *Chapters 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065; and 553, Part IV, Florida Statutes*, copies of such permits shall be provided and maintained on file with the development permit;

- (1) All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator. Copies of such permits shall be

maintained on file with the development. State of Florida permits may include, but not be limited to the following;

- (a) Department of Health: in accordance with *Chapter 381.0065 F.S.* Onsite Sewage Treatment and Disposal Systems.
- (b) Department of Environmental Protection, Coastal Construction Control Line: in accordance with *Chapter 161.053 F.S.* Coastal Construction and Excavation.
- (c) Department of Health: in accordance with *Chapter 381.0065 F.S.* Onsite Treatment and Disposal Systems.
- (d) Department of Environmental Protection, Coastal Construction Line in accordance with *Chapter 161.053 F.S.* Coastal Construction and Excavation.
(Ref: Ord.#1197-06 dated 02/06/06)

IV-4 POTABLE WATER WELLHEAD PROTECTION

IV-4.1 Intent

It is the intent of this section to ensure the protection of the public potable water supply through the appropriate site of land uses in proximity to wellheads and adequate capping and/or securing of abandoned wellheads.

IV-4.2 Definitions

As used in this section, the following words, phrases, and terms shall have the meanings herein assigned: (**Ref: Ordinance #1040**)

Protected Wellhead – Any wellhead which supplies potable water for public consumption.

Wellhead Protection Zone – All land area within a five-hundred (500) foot radius of an existing or proposed protected wellhead.

IV-4.3 Development Restrictions

- A. Prohibited Uses and Development Activities Within the Wellhead Protection Zone: Development activities shall comply with all applicable federal, state, and regional regulations; specifically, Florida Department of Environmental Regulation and the Northwest Florida Water Management District regulations governing allowable activities in proximity to wellheads. In order to protect water sources, including cones of influence, water recharge areas and waterwells, adverse land uses such as the following are prohibited within a Wellhead Protection Zone: sanitary landfills, gasoline stations, wastewater treatment facilities, and/or other land uses which utilize, store or handle toxic or hazardous materials.
- B. Special Restrictions on Development Allowed Within the Wellhead Protection Zone
- 1) Stormwater management practices shall not include drainage wells for stormwater disposal where recharge is into potable water aquifers. Additional stormwater management requirements are specified in Article V, Section V-6.
 - 2) Where prohibited uses and development are proposed in areas with existing protected wells, these wells shall be abandoned, including adequate sealing and plugging, according to Chapter Rule 17.28, Florida Administrative Code.

IV-5 HISTORICAL RESOURCE PROTECTION

IV-5.1 Intent

The intent of this section shall be to establish a historic preservation board, identify regulated historic structures, set forth requirements for protection and preservation of regulated structures, and define a process for review and appeals. Further, the intent of this section is to encourage the listing of additional properties as historic structures.

IV-5.2 Definitions

As use in this section, the following words, phrases, and terms shall have the meanings herein assigned:

Certificate of Appropriateness – An official document certifying that the Milton Historic Preservation Board has reviewed an application for development approval and has found such application to meet the specific intent and requirements of this section. For this section only, development approval means approval of alteration and renovation of regulated historic structures. **(Ref: Ord.# 1074 dated 5/8/01)**

Historic Property – Any structure within the city limits of Milton that is listed on the Florida Master Site File inventory for Santa Rosa County, included in the Santa Rosa County Historical/Architectural Survey, or listed on the National Register of Historic Places. **(Ref: Ord.# 1074 dated 5/8/01)**

Milton Historic District – That land area within the city limits of Milton geographically defined by designation on the National Register of Historic Places. **(Ref: Ord.# 1074 dated 5/8/01)**

Regulated Historic Property – Any structure within the Milton Historic District listed as a "contributing structure" in the City's application for inclusion of the Milton Historic District on the National Register of Historic Places; and any structure located within the Milton City limits listed on the National Register of Historic Places. **(Ref: Ord.# 1074 dated 5/8/01)**

IV-5.3 Historic Preservation Board

A. Establishment and Membership:

- 1) The Milton Historic Preservation Board is hereby established by the City Council. Any restoration or alteration of regulated historic structures will be presented to the Board for review and issuance of a certificate of appropriateness prior to the issuance of a development order or building permit by the development approval authority. The board shall be composed of seven (7) members who are City of Milton residents and/or persons who own property within the City of Milton, appointed by the City Council considering the following: **(Ref: Ord.#1239-07 dated 8/14/07)**
 - a. A demonstrated interest in historic preservation,
 - b. A professional mix that provides for expertise in the fields of architecture, planning, engineering, law, or finance, to the extent reasonable and possible and;
 - c. Representation of the community at large.

The Board shall be provided staff support through the Planning and Development Department for the City of Milton. **(Ref: Ord.# 1074 dated 5/8/01)**

- 2) Terms of Office; Vacancies, Removal from Office - Members shall be appointed for a term of four years except in the case of an appointment to fill a vacancy for the four-year period in which event the appointment shall be for the unexpired term only. Any member of the board may be removed from office by the City Council in a regular meeting. **(Ref: Ord.# 1074 dated 5/8/01)**
- 3) Officers - The Board shall elect from among its members a chairman and vice-chairman. **(Ref: Ord.# 1074 dated 5/8/01)**

B. Duties and Procedures:

1) Purpose:

The Board shall have as its purpose the preservation and protection of buildings of historic significance. It shall be the duty of the Board to act upon plans for the alteration, renovation, or restoration of regulated historic structures to ensure conformance to the US Secretary of the Interior's Standards for Rehabilitation. During the review process, the Board shall also consider conformance to the development guidelines established for the Milton Historic District. **(Ref: Ord.# 1074 dated 5/8/01)**

2) Procedures for submission of plans

Every application for development approval to alter, renovate, or restore a regulated historic building located in the historic district or buildings listed on the National Register which are located outside the Historic District, shall be required to submit plans for the proposed work in sufficient detail to allow for review by the Board. Plans for renovations to non-regulated historic properties may, at the owner's election, be submitted for review by the Historic Preservation Board in order to obtain a certificate of appropriateness. As used herein, "plans" mean drawings or sketches with sufficient elevations to show the architectural design of the building (both before and after the proposed work is done in the case of altering or renovating a building or structure), including proposed materials, textures and colors, and the site plan or site layout, site improvements of features such as walls, walks, terraces, landscaping, that meet the requirements of Article III, 12.6.C., accessory buildings, signs, lights and other appurtenances. Such plans shall be submitted to the Planning and Development Department, who will forward such plans to the Historic Preservation Board. Upon submittal of an application for development approval to the Planning and Development Department, the applicant for any proposed development found to be under the jurisdiction of the Historic Preservation Board, shall be notified of the time, date and place of the Board's meeting. The applicant or authorized agent is encouraged to appear at the meeting at which the request is being considered by the Board to review the alteration, renovation or restoration of the regulated historic structure which is under consideration. **(Ref: Ord.# 1074 dated 5/8/01)**

3) Review and Decision

The Board shall promptly review such plans and make a determination as to conformance to the Secretary of the U. S. Department of Interior's Standards for Rehabilitation. **(Ref: Ord.# 1074 dated 5/8/01)**

4) Notification; Building Permit

If the board finds the plans in conformance with the requirements of this section, a Certificate of Appropriateness will be issued. If the board does not find the plans in conformance, the applicant may resubmit plans to the Board with the necessary

changes, as specified by the Board in its finding of nonconformance. **(Ref: Ord.# 1074 dated 5/8/01)**

5) Voting

Decisions may be rendered when a quorum is present, by a simple majority of the Board members present and voting. **(Ref: Ord.# 1074 dated 5/8/01)**

IV-5.4 Standards for Rehabilitation of Historic Structures

The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Regulated Historic Buildings are hereby adopted as review guidelines for rehabilitation of regulated historic structures located within the Milton Historic District, and those listed at the National Register but located outside the historic district. **(Ref: Ord.# 1074 dated 5/8/01)**

IV-5.5 Incentives for Preservation

A. Substantial rehabilitation (50 percent or greater of appraised value) of structures in flood zones is normally restricted; however, if a property is listed as significant on the Florida Master Site File, National Register, or by local designation, the restriction does not apply. **(Ref: Ord.# 1074 dated 5/8/01)**

B. Owners of historic structures may petition the Board of Adjustment for a special exception for use, regardless of the zoning district. This allows buildings in residential districts to convert to office uses if the Board of Adjustment determines that the use is not injurious to the character of the neighborhood. **(Ref: Ord.# 1074 dated 5/8/01)**

C. For designated properties, variances to parking requirements, lot size or other zoning requirements may be requested from the Board of Adjustment without proving a hardship. It must be shown that the granting of the variance will not injure the public health and safety of the area. Filing these types of petitions usually carries a fee, but this is waived for regulated historic structures. **(Ref: Ord.# 1074 dated 5/8/01)**

IV-5.6 Appeals

Decisions of the Historic Preservation Board may be appealed to the City Council, sitting as the Community Redevelopment Agency as provided for in Section II-6. **(Ref: Ord.# 1074 dated 5/8/01)**

IV-6 ARCHAEOLOGICAL RESOURCE PROTECTION

IV-6.1 Intent

It is the intent of this section to provide for the protection of archaeologically significant resources within the jurisdiction of the City of Milton.

IV-6.2 Definition

As used in this section, the following definition shall have the meaning assigned to it herein.

Development Activity - An activity which involves the construction of a principal or an accessory structure, or which involves alteration of the ground surface or subsurface.

IV-6.3 Requirement for Construction Activity

In the event that a proposed development plan has been identified by the Planning and Development Department to be in the vicinity of an archaeologically significant site, the Department shall require the Owner to alert construction personnel in regards to this information. If at any time, a potentially significant archaeological site or artifact is uncovered during the development process, the Owner shall notify the City. The City shall contact and consult with the University of West Florida, Office of Cultural and Archaeological Research and/or other appropriate state officials to determine the significance of the resource and identify the need for mitigative measures.