

**ORDINANCE  
2007-22**

**Amending the Walton County Comprehensive Plan to Provide for Protection of Flood-Prone Areas; Setting Standards for Development in the Special Flood Hazard Areas; Providing for Mitigation; Providing for Severability; and Providing for an Effective Date.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125 Florida Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

**WHEREAS**, the Special Flood Hazard Areas (SFHA) of Walton County as defined on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and welfare, and;

**WHEREAS**, Walton County finds that the current provisions of its Comprehensive Plan that decrease the available density in flood-prone areas have led many property owners to fill their property in order to remove it from a Special Flood Hazard Area, thus creating greater potential for flooding problems on adjacent properties;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners to amend the Walton County Comprehensive Plan as follows:

**Section 1: Amendment**

Various Goals, Objectives, and Policies of the Walton County Comprehensive Plan are amended as follows: (added text underlined, deleted text ~~struck through~~).

**Policy L-1.1.4**

1. Regardless of the density values established in L-1.1.1 and except as otherwise provided herein, no development is permitted within the 10 year and 25 year floodplains. Development within lands that are designated by FEMA as within a V or VE flood zone the 100-year floodplain shall have a gross density of one (1) dwelling unit per twenty (20) acres, or the underlying density, whichever is less one (1) unit per forty (40) acres for property designated large scale agriculture.

Regardless of this density limitation, ~~and with the exception of the Large Scale and General Agriculture land use categories,~~ residential density may be transferred from the regulated special flood hazard areas floodplain portions of the property to those areas not within the regulated special flood hazard area. ~~upland portions of the property.~~ at a density of two (2) dwelling units per acre, or the underlying density, whichever is less, as applied to the entire property. Density within the 100 year floodplain in the General Agriculture land use category shall be one (1) dwelling unit per twenty (20) acres, and is not transferable. Density within the 100 year floodplain in the Large Scale Agriculture land use category shall be one (1) dwelling unit per forty (40) acres and is not transferable.

Gulf front properties designated V or VE and located within seaward of the CCCL may develop at two (2) dwelling units per acre ~~in the 100 year floodplain,~~ or at the underlying density if development is transferred out of the regulated special flood hazard area floodplain.

2. Development of properties in any FEMA designated flood zone A or AE may occur at the density of the future land use category in which the property is located, provided, however, that the developer must:

- a. Cluster development, to the greatest extent practical, on the areas of the site not within the regulated special flood hazard area;
- b. Protect the regulated special flood hazard areas of the property by recording permanent development restrictions on the approved site plan or final plat, whichever is applicable;
- c. Meet the established criteria for building within that flood zone, including the requirements of the Coastal Zone, Conservation Element of this Plan;
- d. Limit fill to facilitate the infrastructure requirements necessary for the development, including roadways, as necessary, not to exceed an average of one foot (1') over the development site;
- e. Provide hydrologically equivalent storage volume at a ratio of 1 to 1 or greater for the fill volume proposed within the regulated special flood hazard area;
- f. Construct all residences and associated accessory structures with piling foundations, with the exception of accessory structures less than 200 square feet; and
- g. Construct non-residential structures in accordance with FEMA construction guidelines and minimize fill to an average of one foot (1') over the development site. The applicant shall submit a topographical survey and engineering calculations demonstrating that the development meets the fill limitation.

3. In order to discourage filling in the regulated special flood hazard area, if a developer proposes to fill a site (other than for infrastructure as provided in 2(d) above) to remove it from the regulated special flood hazard area through FEMA's conditional letter of map revision based on fill (CLOMR-F) process, the allowable density for the filled portion shall be one (1) unit per 20 acres, fill shall be limited to an average of one foot (1') over the development site, and the developer must provide hydrological equivalent storage volume at a ratio of 1 to 1 or greater for the fill proposed.

**Policy L-1.6.5** Proposed amendments to the future land use map that increase the density of development allowed in the floodplain are discouraged. Walton County may approve such amendments if the developer agrees to enter into a development agreement with the county to transfer density out of the floodplain portions of the property, record permanent development restrictions on the floodplain portions of the site, and utilize other land development requirements to protect the flood storage capacity of the property and protect the safety, health and welfare of county residents. This policy does not affect the rights of projects with vested rights under Chapter 380.06, Florida Statutes that seek to relocate previously approved development.

\* \* \*

**Policy C-3.2.3** Construction that occurs within the ~~100-year~~ FEMA regulated floodplain shall be regulated through the following guidelines:

1. Prohibition of new development in the FEMA V-Zone. Decisions regarding development and redevelopment in this zone shall be consistent with Policy C-3.2.2, and when permitted, shall be in accordance with all provisions of Walton County's floodplain protection ordinance. Standards shall not allow structures to be rebuilt (under the definition of rebuild) more than twice in any 100 year period in the V-Zone.

2. Regardless of any of the density values established in L-1 .1 .1, ~~and except as otherwise provided herein, no development is permitted within the 10-year and 25-year floodplains. D~~ development within lands that are designated by FEMA as within a V or VE flood zone ~~the 100-year floodplain~~ shall have a gross density of one (1) dwelling unit per twenty (20) acres, or ~~the underlying density, whichever is less~~ one (1) unit per forty (40) acres for property designated large scale agriculture.

~~Regardless of this density limitation, and with the exception of the Large Scale and General Agriculture land use categories, r~~ In accordance with established Walton County policy, underlying residential density may be transferred from the V or VE floodplain portions of the property to the portion not within the regulated special flood hazard area upland portions of the property provided the regulated special flood hazard area is protected by a permanent development restriction on the approved site plan or final plat, whichever is applicable. At a density of two (2) dwelling units per acre, or the underlying density, whichever is less, as applied to the entire property. Density within the 100 year floodplain in the Large Scale Agriculture land use category shall be one (1) dwelling unit per two hundred (200) acres, and is not transferable.

Gulf front properties within a V or VE flood zone and within seaward of the CCCL may develop at two (2) dwelling units per acre ~~in the 100-year floodplain~~, or at the underlying density if development is transferred out of the regulated special flood hazard area floodplain.

3. ~~Development of~~ Requirements for construction that protect health, safety, and property: Construction requirements shall be consistent with at least as strict as those recommended by the Federal Emergency Management Agency in Chapter 44, Code of Federal Regulations for A,

AE, V, and VE zone local flooding and coastal construction, the Florida Building Code, the State of Florida's CCCL Construction Codes, and the County's required freeboard above the BFE. Requirements shall protect natural functions of floodplains, including:

- a. Structures and septic tanks shall be clustered on the non-floodplain portions of the site unless the property owner would be denied reasonable use of ~~his~~ their property;
- b. ~~All structures in the 100-year floodplain~~ A, AE, V, and VE zones shall be elevated to the base flood elevation (BFE) established by the applicable FEMA FIRM plus Walton's County's required freeboard, consistent with the technical requirements of the Walton County Land Development Code and FEMA's guidelines for implementation of the NFIP set forth in Chapter 44 of the Code of Federal Regulations. on pilings to reduce the amount of fill; compensatory storage of filled areas shall be required to maintain flood storage capacity;
- c. Where siting a septic tank in the 100-year floodplain is necessary, to allow the owner reasonable use of the property, design shall be in accordance with the standards of Chapter IOD-6, F.A.C. and
- d. Consistency with water quality and quantity standards of the storm water management level of service standard.

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**Policy C-4.1.2:** All new or redeveloped (using rebuilding definition of Policy E-3-2) shoreline land uses shall:

1. Locate, to the extent possible, on existing upland areas;
2. Be constructed to conform to state and local coastal construction building codes;
3. Be constructed in accordance with the policies for construction within special flood hazard areas as defined by the Federal Emergency Management Agency set forth in Chapter 44 of the Code of Federal Regulations the Coastal High Hazard Area.
4. Demonstrate that existing public utilities, infrastructure and services are in place to support the proposed use;

\* \* \*

**Objective C-4.2: Coastal High Hazard Area**

It is the County's objective to protect the population from the effects of hurricane storm damage by limiting development within the Coastal High-Hazard Area. Without this limitation, hurricane evacuation times, as well as the health and safety of that population allowed to develop within the Coastal High-Hazard Area would be of concern to the County. Therefore, the County shall limit public expenditures that subsidize new development in the Coastal High-Hazard Area and the County shall direct future populations to areas outside the Coastal High-Hazard Area.

**Policy C-4.2.1:** The Coastal High-Hazard Area is defined as the area encompassed by the Category 1 storm surge area as depicted in the ~~Tri State Hurricane Evacuation Study, June 1986~~ Northwest Florida Hurricane Evacuation Study, 1999.

**Policy C-4.2.2:** No public infrastructure shall be allowed in the Coastal High-Hazard Area, except for that needed to provide public access to the shoreline, to serve public parks that have been approved by the County or by state and federal agencies, and to protect or enhance natural resources. Provision of water and sewer service at private expense to existing lots of record at the time of adoption of this plan (December 14, 1990) is permitted, as long as such provision does not result in conflict with policies for: FDEP permit requirements for the Coastal Construction Control Line; criteria adopted for determining when structures can be rebuilt; coastal protection zone requirements in the land development regulations; and the state policy to limit public expenditures that subsidize development permitted in coastal high-hazard areas, except for enhancement of natural resources.

**Policy C-4.2.3** New sanitary sewer facilities ~~in~~ if, the Coastal High-Hazard Area, installed in accordance with standards of C-4.2.2, shall be flood-proofed. ~~and backflow preventors shall be fitted on new septic tanks.~~

**Policy C-4.2.4** The recommendations of any interagency hazard mitigation report which addresses future flood losses and is prepared in response to a Presidential Disaster Declaration shall be incorporated into the County's Disaster Plan.

**Policy C-4.2.6** The creation of new lots (through platting, lot splits, or other method) that lie entirely within the Coastal High Hazard Area is prohibited. The creation of new lots contiguous to or partially within the Coastal High Hazard Areas shall be prohibited unless the newly created lot contains sufficient buildable area outside of the Coastal High Hazard Area for the intended use. The extent of the Coastal High Hazard Area on any property proposed for development may be determined by a Florida licensed surveyor or professional engineer based on the technical data developed as part of the Northwest Florida Hurricane Evacuation Study, 1999.

## Section 2. Severability

Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance, and the remainder of the ordinance shall remain in full force and effect.

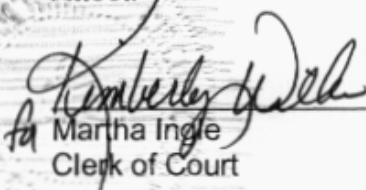
## Section 3. Effective Date

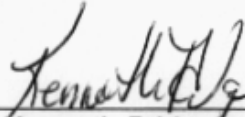
This ordinance shall take effect as provided by law.

Duly enacted, by the Board of County Commissioners of Walton County, Florida,  
at a regular meeting on the 28th day of August, 2007

BOARD OF COUNTY COMMISSIONERS  
WALTON COUNTY, FLORIDA

Attest:

  
Martha Ingle  
Clerk of Court

By:   
Kenneth Pridgen, Chair