

06-27

AN ORDINANCE OF WAKULLA COUNTY, FLORIDA, PROVIDING FOR THE PROTECTION OF WETLANDS WITHIN THE UNINCORPORATED AREA OF WAKULLA COUNTY; ESTABLISHING APPLICATION AND PROCESSING PROCEDURES; PROVIDING DESIGN STANDARDS AND ADMINISTRATION PROCEDURES; ESTABLISHING FINES AND PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the wetlands of the County of Wakulla are a valuable natural resource requiring careful management to maintain their usefulness to public health, safety and welfare; and

Whereas, it is the desire of the County of Wakulla to avoid damage to wetlands, to allow reasonable use of wetlands in ways that are compatible with sound wetlands conservation practices; to encourage development not dependent on a water-related location to be sited in upland areas; to allow wetlands losses only when unavoidable; to promote development at adjacent upland sites that will have minimal or no adverse impact on wetlands; and to coordinate the Wakulla County planning and zoning process with federal and state programs designed to preserve, protect or enhance wetlands values; and

Whereas, flooding is a significant threat to public health and safety and private property in our county, and riparian areas and wetlands lessen the flood damage by holding runoff and releasing it slowly over time; and

Whereas, the protection of wetlands in Wakulla County is for the benefit and good of the public at large; and

Whereas, Wakulla County's Comprehensive plan requires the protection of sensitive areas;

NOW, THEREFORE, be it ordained by the board of county commissioners of Wakulla County, Florida that the following be adopted:

Section 1. Definitions

A. Wetlands:

For purposes of this ordinance, “wetlands” are defined and delineated according to the Florida Administrative Code 62.340. As applies to this ordinance, wetlands over the size of 1,000 (one thousand) square feet shall be regulated.

“Wetlands” means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

- B. “Agricultural” means the commercial production of crops, animals or animal products, or farm commodities including but not limited to vegetables, citrus and other fruits, grain, forage, sod, livestock, poultry, and foliage plants.
- C. “Agricultural Operation” means a contiguous farm, grove, ranch, nursery or similar entity owned or controlled by one or more persons, engaged in, or proposing to engage in, the practice of agriculture.
- D. Mitigation: Actions taken to avoid, reduce, or compensate for the effects of environmental damage. Among the broad spectrum of possible actions are those which restore, enhance, create or replace damaged ecosystems.
- E. Silviculture: A process, following accepted forest management principles, whereby the trees constituting forests are tended, harvested and reproduced.

Section 2. Intent

A. To prevent destruction of or significant changes to natural wetlands by regulating development activities in wetlands within the boundaries of Wakulla County.

B. To help prevent pollution of surface and ground water, provide protection from increased flooding, promote conservation corridors along all major rivers, streams and drainage ways, preserve natural drainage characteristics and fish and wildlife resources of the county and to minimize the need to construct, repair and replace storm drainage systems, reduce detrimental impacts to drinking water.

C. To prevent unnecessary or excessive expenditures of county funds to provide for essential services and utilities, which may be required as a result of misuse or abuse of wetlands.

D. To encourage low density and intensity uses that can be harmoniously and safely located in and adjacent to wetlands and to protect the growth of our economy in areas based on ecological health such as those based on seafood and tourism.

Section 3. Application

A. This ordinance applies to all naturally occurring wetlands in Wakulla County with the exception of:

(1) Artificially constructed-ponds, drainage ditches, that are not conveyance ditches of once natural flow-ways, storm water facilities, gravel pits, stone quarries or waste treatment lagoons except where such will be constructed in wetlands.

(2) Wetlands or portions thereof for which The State of Florida and/or federal permits for dredge and/or fill were issued prior to the adoption of this ordinance.

(3) Any area excluded from local planning and zoning jurisdiction by federal or state law.

(4) Bona fide Agricultural and Silviculture activities.

Section 4. Process

- A. Applications for development orders must identify all wetland features. If no wetlands are present on the property, a certified statement must be made to that effect.
- B. Preliminary plats and non-residential site plans must include a topographic survey prepared by a licensed Surveyor and Mapper depicting site elevations at one-foot contour intervals.
- C. At the sole discretion of the Community Development Director, an applicant may be required to provide additional information to support the location or absence of the wetlands depicted in the application. Additional information may include aerial photographs, estimations and/or delineations from biologists or environmental consultants, or certifications from the Department of Environmental Protection. A reasonable access shall be allowed for inspections for field verification. All information must be provided at the expense of the applicant.
- D. For developments where the subdivision of lots or construction activities do not extend into, nor impact the wetland buffer zone, wetlands may be estimated from topographic surveys and aerial photographs. If portions of the wetland buffer zone fall within proposed platted lots or may be impacted by development activity, an environmental consultant shall delineate and field-locate the limits of impacted wetlands. A binding letter of jurisdiction from the Florida Department of Environmental Protection shall be the final authority regarding jurisdictional wetlands.
- E. No clearing or construction activities shall be allowed within the wetlands or the wetland buffer zones, except for the allowable uses indicated within Section 5(A).
- F. Any application that includes conditional uses as defined within Section 5(B) outside of an already approved development order shall require a separate application and fee for Wakulla County review.

Section 5. Uses of Wetlands

A. Allowable Uses

- (1). Refuge for native wildlife.
- (2). Parks and recreation uses consistent with the purpose and intent of this ordinance.
- (3). Conservation areas and nature trails.
- (4). Hunting, trapping and fishing, environmental education, and scientific research where not otherwise prohibited by law.
- (5). Boundary fences that do not alter the wetland hydrology.
- (6). Removal of non-native or exotic invasive plants as defined by Florida State regulations.

B. Conditional Uses

- (1). The Planning and Zoning Commission may grant a conditional use permit for:

The construction and maintenance of streets, roads and other access ways and utility rights-of-way or easements, including power lines and pipe lines, if essential to the productive use of land not designated as wetland. Such uses must be located and constructed as to minimize the detrimental impact on the wetland. Clustering away from wetlands is encouraged. Conservation easements are encouraged to protect wetlands and their buffers. For the productive use of land such as boat ramps, elevated walkways and/or docks, decks and boardwalks, access to marinas and/or other water dependant features. Wetland restoration, fire suppression and/or habitat management.

- (2) The Wakulla County Board of County Commissioners can grant a variance for the reasonable use of property in extraordinary circumstances by means of a

super-majority (four out of five) vote.

- (3) Approval of conditional uses and/or variances may require mitigation of impacted wetlands.

Section 6. Design Standards Subsequent to the Effective Date of This Ordinance

- A. Lots smaller than 2 acres, platted subsequent to the effective date of this ordinance, shall be exclusive of wetlands.
- B. An undisturbed natural buffer at least 75 feet wide shall be maintained around the perimeter of any wetland as defined in Section 1 of this ordinance. Buffers may be accessed for utilities in order to serve upland areas only as necessary and with minimal impact to the buffer zone.
- C. Wetlands within new developments shall be placed in a conservation easement in favor of Wakulla County, the property owners association, or another entity approved by the County.
- D. The County of Wakulla, as a governmental body, shall not be exempt from this ordinance nor from the rules and regulations found therein.
- E. Best management practices for erosion control, including but not limited to hay bales, silt fences, and temporary riprap, shall be maintained before, during, and after construction (until site stabilization) to protect wetland areas from intrusion and siltation, where appropriate.

Section 7. Administration and enforcement

- A. Administration and enforcement of this ordinance shall be the responsibility of the Director of Community Development and the County Administrator.

- B. If those wetlands in violation are determined to be jurisdictional, then reporting of the impacted wetlands by the County to the appropriate state or federal agencies shall occur.
- C. Determination of violations of this ordinance will be the work of the Code Enforcement Board pursuant to Chapter 162, Florida Statute.

Section 8. Penalties

- A. The Wakulla County Code Enforcement Board shall have the authority to levy fines, require restitution, restoration and mitigation when it is determined that wetlands contained within Wakulla County were impacted by any activity in violation of this ordinance subsequent to this ordinance becoming effective.

Upon determination of a violations of County Ordinance by the Code Enforcement Board, administrative fines may be imposed for up to \$5,000 per violation (must be irreparable or irreversible violation) or \$250 per day (first violation) / \$500 per day repeat violation). An administrative fine is imposed when an order has not been complied with by the set time or upon a finding that a repeat violation has been committed.

CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY:

1. Where this ordinance imposes a greater restriction upon land than is imposed or required by other County provisions of law, ordinance, contract or deed, the provisions of this ordinance shall prevail.
2. If a court of competent jurisdiction declares any clause, section or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

This ordinance shall take effect as provided by applicable law.

Passed and adopted by the Board of County Commissioners of Wakulla County, Florida, in a regularly scheduled meeting this 1 day of, May, 2006.

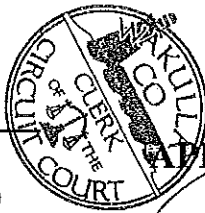
**BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA**

BY: Maxie Lawhon

**Maxie Lawhon,
CHAIRMAN, BOARD OF
COUNTY COMMISSION**

ATTEST:

Brent X. Thurmond
**BRENT X. THURMOND
CLERK TO THE BOARD**



APPROVED AS TO FORM:

Ronald A. Mowrey
**RONALD A. MOWREY
ATTORNEY FOR THE COUNTY**

