

Wakulla County

Ordinance Number \_\_\_\_\_

**AN ORDINANCE OF WAKULLA COUNTY, FLORIDA, ESTABLISHING AND AMENDING SPECIFIC FLOOD HAZARD AREAS IN CERTAIN SPECIFIC SUBDIVISIONS, ESTABLISHING BUILDING ELEVATIONS IN SPECIFIC FLOOD HAZARD AREAS, REGULATING FILL IN SPECIFIC FLOOD HAZARD AREAS PROVIDING FOR PENALTIES, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, flood hazard areas of Wakulla County are subject to periodic flooding, which results in loss of property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood relief, all of which adversely affect the public health, safety and general welfare; and

**WHEREAS**, said flood losses are caused by the cumulative effect of obstructions in floodplains that cause an increase in flood heights and velocities and uses vulnerable to floods because they are inadequately elevated, flood proofed or otherwise not protected from floodwaters.

**WHEREAS**, The purpose of this ordinance is to promote the public health, safety and general welfare and to minimize public and private losses due to flooding caused by certain conditions in specific areas by provisions designed to:

1. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
2. Minimize prolonged business interruptions.
3. Minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
4. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner so as to minimize future flood blight areas; and

**WHEREAS**, in order to accomplish its purposes, it is necessary to:

1. Restrict or prohibit uses that are dangerous to health, safety and property in times of flood, or cause excessive increases in flood heights or velocities;

2. Require that certain uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Regulate the alteration of natural floodplains, stream canals, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Regulate filling, grading, dredging and other development, which increases flood damage;
5. Prohibit and/or regulate the construction of flood barriers which unnaturally divert floodwaters or increase flooding on other lands.

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Wakulla County Commissioners of Wakulla County, Florida, that:

(A) Definitions:

1. "Specific Flood Hazard Area": The land within platted subdivisions identified in paragraph (B) subject to flooding characterized by ponding or sheet flow due to natural or manmade depressions without a natural or manmade way for water to escape from that depression.
2. "Development": Any manmade change in improved or unimproved real property, including but not limited to buildings, structures, mining, dredging, filling grading, paving, excavation, drilling operations, or storage of equipment or materials and clearing.
3. "Flood or Flooding": A general and temporary condition of partial or complete inundation of land areas from the unusual and rapid accumulation or runoff of surface water from any source.
4. "Average crown of the facing road": The average to be used for the purpose of enforcing this ordinance. This is the finished grade elevations along the centerline of the facing road at two locations within the facing road, perpendicular to the lot corners. These two elevations shall be added together and divided by two. Twenty four inches (24") shall be added to the average crown elevation number and shall be the total required finished floor elevation for that lot. This calculation must be completed on a lot by lot basis. The average crown of the facing road must be determined by a Florida Licensed Professional Surveyor.

(B) Lands to Which This Ordinance Applies: The ordinance shall apply to all lots and lands within the subdivisions of Wakulla Gardens (all sections), Magnolia Gardens, Greiner's Addition, Lake Ellen Terrace, Lake Ellen Proper, Lake Ellen Estates, and Wakulla River Estates. However, lots and lands within the aforementioned subdivisions that otherwise have a Base Flood Elevation established by the FEMA Flood Insurance Rate Maps, shall adhere to the requirements set forth for constructing in floodplains and established by the Florida Building Codes. In the event that the floodplain construction

requirements are less restrictive than those requirements set forth by this ordinance, the most restrictive shall supersede.

(C) Compliance: No real property shall hereafter be altered or have its use changed without full compliance with the terms of this ordinance.

(D) Administration: The Wakulla County Planning and Community Development Director is hereby appointed to administer and implement the provisions of this ordinance. Duties include but are not limited to:

1. Review Development Permit Applications (DPA) to ensure the proposed development, including the installation of manufactured homes, comply with this ordinance.
2. Review Development Permit Applications (DPA) for proposed development to assure all necessary permits have been obtained from applicable federal, state or local government agencies.

(E) Provisions for Flood Hazard Reduction

1. All new construction foundations in subdivisions identified in paragraph (B) above, shall be of stem wall foundation method, unless otherwise approved by the Planning and Community Development Director or their designee.

(a) Alternate foundations may be used if soil conditions permit and if located at an elevation which minimizes its effect on adjacent properties. Specific approval of this alternate foundation must be made at the time of the issuance of the Development Permit Application (DPA). The Planning and Community Development Director or their designee may require soil or other professional studies be completed by the applicant at the applicant's expense prior to approval of the Development Permit Application (DPA).

2. With the exception of fill required in order to fill a stem wall building foundation, fill required to establish minimum slopes from buildings, or fill required for elevated drain fields, no off lot fill shall be deposited onto any lot of record. Fill dirt may be excavated from the lot under construction and moved anywhere on the lot.

3. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located at least twenty four (24) inches above the average crown of the facing road as defined in paragraph (A)4 above so as to prevent water from entering or accumulating within the components during conditions of flooding. In the event exterior equipment such as heat pumps and/or A/C Condensers must be elevated above natural grade, they shall be located on a platform so the area under the equipment is pervious surface.

4. All permit applications shall demonstrate, at a minimum, that the finished floor elevation for all new construction including additions, and/or alterations that create habitable floor area are a minimum of twenty four (24) inches above the average crown of the facing road. This standard may be reduced by the Planning and Community Development Director or their professional designee upon demonstration by the applicant that an acceptable alternative method or reduced height is sufficient to ensure that stormwater drainage flows away from the structure and is designed to prevent entry into the structure and adjacent structures. This plan must be prepared, signed and sealed by a Florida Professional Engineer. Such approval must be made prior to issuance of a Development Permit Application (DPA). The Planning and Community Development Director shall also consider the Finished Floor Elevation and uniformity when reviewing applications regarding additions to existing single family dwellings.

5. A permanent vegetative cover shall be established on denuded areas prior to issuance of a Certification of Occupancy. Permanent vegetation shall not be considered established until a ground cover is achieved that, in the opinion of the Building Official or their designee, is uniform, mature enough to survive and will inhibit erosion and rainwater runoff.

6. The Wakulla County Building Inspector or his designee shall determine what type of sediment barriers or other measures are required to prevent sediment or trash from flowing or floating onto adjacent properties. All disturbed areas must be sodded to control the erosion of soil for the entire disturbed area.

(F) This ordinance shall not impair any existing easement, covenant or deed restriction. However, where this ordinance and another conflict, whichever imposes the more stringent restriction shall apply.

(G) All violations of this ordinance shall be guilty of a 2nd degree misdemeanor for first violation and guilty of a 3<sup>rd</sup> degree felony for any future violations under the laws of the State of Florida.

(H) This ordinance shall become effective as provided by Florida Law.

**PASSED AND ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2009.

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

ATTEST:

BY:

\_\_\_\_\_  
HOWARD W. KESSLER,  
CHAIRMAN

\_\_\_\_\_  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM:

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RONALD A. MOWREY, Esquire  
Attorney for the Board