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PROVISION FOR THE CITY OF BONIFAY

CHAPTER IV RESOURCE PROTECTION STANDARDS

4.00.00 GENERALLY

4.00.01 Purpose and Intent

The purpose of this Chapter is to establish those resources that must be protected from harmful effects of development. A developer should apply the provisions of this Chapter before any other development design work is done. Application of the provisions of this Chapter will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the area that may be developed.

4.00.02 Scope

This Chapter incorporates regulations which are designed to protect the following environmentally sensitive areas: wetlands, groundwater and wellheads, surface waters, wildlife habitat and unique natural areas, and floodplains. Additional regulations contained in this Chapter address mining and hazardous wastes, and their threat to environmentally sensitive areas.

This Chapter also includes provisions for the preservation and protection of historical and archeological resources.

4.01.00 WETLANDS

4.01.01 Buffer

A thirty (30) foot buffer of native vegetation, subject to site plan approval, shall be required around and along all wetlands. Such buffer shall be measured from the DER wetlands jurisdictional line. The property owner may create a pathway through the buffer for visual or authorized pedestrian access to the wetland provided that the pathway is limited to a five-foot wide swath.

4.01.02 Prohibition Against Use as Sediment Traps During Development and Construction

Wetlands shall not be used as sediment traps during development and construction. Sediment traps shall be constructed on-site to prevent escape of sediments to waterbodies.

4.02.00 GROUNDWATER AND WELLHEADS

4.02.01 General

The purpose of groundwater protection standards is to safeguard the health, safety and welfare of the citizens of Bonifay. This is accomplished through ensuring the protection of all sources of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of the City. Therefore, standards are described in this Section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this Section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

4.02.02 Restrict Development in Wellfield Protection Zones

A. Prohibited Development Zone (Radius)

All existing potable water wellfields which supply potable water for public consumption shall incorporate a minimum five-hundred (500) foot prohibited development zone around the perimeter of the well.

B. Prohibited Activities

The following activities shall be prohibited within this development zone:

1. Landfills;
2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Chapter 442, F.S.);
3. Activities that require the storage, use, handling, production or transportation of restricted substances including agricultural chemicals, petroleum or industrial chemicals, hazardous/toxic or medical wastes;
4. Feedlots or other concentrated animal facilities;
5. Wastewater treatment plants, percolation ponds, and similar facilities;
6. Mines; or
7. Excavation of waterways or drainage facilities which intersect the water table.

Should a prohibited activity exist within the Prohibited Development Zone, such activity shall be considered a nonconforming use and the regulations governing nonconforming uses shall apply.

C. New Wells

All new wells which supply potable water for public consumption in Bonifay's service area will be required to establish a two-hundred (200) foot zone of exclusion immediately surrounding the new wells overlaying the five hundred (500) foot wellhead protection area. No development activities shall take place in the two hundred (200) foot zone of exclusion surrounding new wells in the Floridan Aquifer.

4.03.00 SURFACE WATER PROTECTION

A 30 foot buffer of native vegetation, subject to site plan approval, shall be required around and along all surface waters bodies within the corporate limits of the City of Bonifay. The purpose of the natural vegetative buffer is to prevent and reduce erosion; trap sediment from overland run-off; protect indigenous flora, fauna and habitat; and to retain and enhance physical and visual aesthetics of surface water systems. The property owner may create a pathway through the buffer for visual or authorized access to the surface waters provided that the pathway is limited to the minimum width necessary for access as determined by a professional engineer knowledgeable in hydrological processes.

4.04.00 WILDLIFE HABITAT AND UNIQUE NATURAL AREAS

4.04.01 Require Study for FNAI Inventoried Areas

Areas identified in the Florida Natural Areas Inventory (FNAI) as endangered or threatened species habitats and unique natural areas shall be inventoried prior to development. Such inventory shall consist of both a field survey and management/mitigation plan. The study shall be prepared by an ecologist, biologist or other related professional as a consultant to the City. Such expense shall be borne by the applicant. The plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management strategies to protect the subject wildlife. Where adverse impacts cannot be avoided through site design or other means, the applicant shall be required to develop a mitigation plan which will allow no net loss of individuals of designated species, in coordination with the Florida Game and Freshwater Fish Commission. The results of the survey as well as mitigation measures, shall be submitted as part of land development permit applications submitted for the project.

4.04.02 Prohibit Development Causing Loss of Viability

Areas containing endangered or threatened species habitat and unique natural areas such as those designated in the Florida Natural Areas Inventory shall not be developed for any use that would cause loss of viability of the community or habitat.

4.05.00 FLOODPLAINS

4.05.01 Purpose and Objectives

A. 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 designed to:

1. 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;
2. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. control the alteration of natural flood plans, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. control filling, grading, dredging and other development which may increase erosion or flood damage; and,
5. prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. Objectives

The objectives to this section are:

1. to protect human life and health;
2. to minimize expenditure of public money for costly flood control projects;
3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. to minimize prolonged business interruptions;

5. to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
6. 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 future flood blight areas; and,
7. to ensure that potential home buyers are notified that property is in a flood area.

4.05.02 General Provisions

A. Lands to Which This Section Applies

This section shall apply to all areas of special flood hazard within the incorporated areas of City of Bonifay, Florida. Areas of special flood hazard are those subject to a one percent or greater chance of flooding in any given year.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of Special Flood Hazard identified by the Federal Emergency Management Agency and the latest Flood Insurance Rate Map with all explanatory matter or material attached thereto, prepared and published by the Federal Emergency Management Agency and adopted by resolution of Council.

C. Conditions Precedent to Granting Building Permit

All conditions and provisions of this section must be fulfilled before a building permit pursuant to City Code can be issued.

D. Compliance

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Code 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 Code all provisions shall be: (1) considered as minimum requirements; (2) liberally

construed in favor of the governing body; and (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 considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade 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 City of Bonifay, Florida or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

4.05.03 Specific Standards for Flood Hazard Reduction

In all areas of special flood hazards and where base flood elevation data has been provided as set forth in Section 4.04.02 (B), or Section 4.04.07 (A), the following provisions are required:

A. Residential Construction

New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, opening sufficient to facilitate the unimpeded movements of flood water shall be provided in accordance with standards of Section 4.04.07 (A)(3).

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation. Buildings located in all A-Zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A professional engineer or architect registered in the State of Florida shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Director of Community Development and Planning as set forth in Section 4.04.07 (B)(3).

C. *Elevated Buildings*

New construction or substantial improvements of elevated buildings that include fully enclosed areas by foundations 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 flood waters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with this requirement must be either certified by professional engineer or architect or meet the following minimum criteria:
 - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed areas subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade; and,
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions.
2. Electrical, plumbing and other utility connections are prohibited below the base flood elevation;
3. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (and garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to living area (stairway or elevator); and,
4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

D. *Standards for Manufactured Homes and Recreational Vehicles*

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or division must be elevated so that:
 - a. The lowest floor of the manufactured home is elevated to or above base flood elevation, or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an

equivalent strength, of no less than thirty-six (36") inches in height above grade.

- c. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - d. In an existing manufactured home park or subdivision on which a manufactured has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Section 4.04.03 (D)(2)(a) and (c) above.
3. All recreational vehicles placed on sites must either:
- a. Be fully licensed and ready for highway use, or
 - b. The recreational vehicle must meet all requirements for new construction, including anchoring and elevation requirements of Section 4.04.03(D)(1) or (2) above.

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 structures.

4.05.04 Standards for Areas of Shallow Flooding (AO Zones)

Located within the areas of special flood hazard established in Section 4.04.02 (B), are areas designated as shallow flooding. These areas have special flood hazards associated with 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:

A. All new construction and substantial improvements of residential structures shall 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 (2) feet above the highest adjacent grade.

B. All new construction and substantial improvements of non-residential structures shall:

1. 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 (2) feet above the highest adjacent grade or,

2. together with attendant utility and sanitary facilities be completely flood-proofed to rise above that level so that any space below that level is water-tight 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.

4.05.05 Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

4.05.06 Standards for Streams Without Established Base Flood Elevations and/or Floodways

Located within the areas of special flood hazard established in Section 4.04.02 (B), where small streams exist but where no base flood data have been provided or where no flood ways have been provided, the following provisions apply:

- A. No encroachments including fill material or structures shall be located within the distance of the stream bank equal to three 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 registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during their occurrence of the base flood discharge.
- B. New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with Section 4.04.07 (B)(2).

4.05.07 Administration

The City shall implement this section through performance of the following actions by the Council or its designee:

1. Review all building permits to assure that the permit requirements of this section have been satisfied.
2. Advise permittee that additional federal or state permits may be required, and, if specific federal or state permits 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 Community Affairs prior to any alteration or relocation of a watercourse which the City would have knowledge of within the course of his work, and submit evidence of such notification to the Federal Insurance Administration.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse which the City has knowledge of in the course of its work so that the flood carrying capacity is not diminished.
5. Determine whether the following subsections (a) and (b) have been satisfied, or, at his discretion, require that a certification be obtained from a professional engineer or architect registered in the State of Florida for the following subsections:
 - a. verification and recordation of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - b. verification and recordation of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
6. When flood proofing is utilized for a particular structure, the City Council shall obtain certification from a registered professional engineer or architect, in accordance with Section 4.04.07 (B)(2). Single-family residential structures are exempted from this requirement.
7. Where interpretation is needed as to the exact location of the 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 City 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.
8. When base flood elevation data has been provided in accordance with Section 4.04.02 (B), then the City shall obtain, review, and reasonably utilize any base flood elevation data available

from a Federal, State or other source, in order to administer the provisions of Chapter 5.

9. All records pertaining to the provisions of this Code shall be maintained in the City Hall and shall be open for public inspection.

B. Additional Permit Procedures

Application for a building permit shall be made to the City Council pursuant to City Code on forms furnished by the Council 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 proof;
- c. Certificate from a registered professional engineer or architect that the non-residential flood proof structure will meet the flood proofing criteria in Section 4.04.03 (B);
- d. Description of the extent to which any water course will be altered or relocated as a result of a proposed development, and;

2. Construction Stage. Provide a floor elevation or flood proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the City Council a certification of the elevation of lowest floor, flood proofed elevation, whichever is applicable, as built, in relation to mean sea level. 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 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 holders risk. The City 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 for the City to issue a stop work order or other legal action available to remedy this failure for the project.

3. Provide a certificate from a professional engineer or architect registered in the State of Florida that the non-residential flood-proofed structure meets the flood-proofing criteria in Section 4.04.03 (B).
4. Description of the extent to which any watercourse will be altered or relocated as a result or proposed development.

4.06.00 MINING

4.06.01 Generally

The following provisions are intended to regulate mines for the purpose of protection adjacent natural resources and reduce adverse impacts to the environment.

4.06.02 Criteria for Proposed Mining Activities

A. Notice of Intent

Prior to the commencement of mining operations, mine operators shall be required to file a notice of intent to mine with the City of Bonifay. Such notice of intent shall include the following information: mine location, mine size and type of material to be mined.

B. Burden of Proof Regarding Siting of Proposed Mines

The notice of intent shall provide, in addition to the above information, documentation that the proposed activity will not cause significant damage to: potable water supplies, surface water or reductions in water quality; threatened and endangered species, species of special concern or their habitats; or contribute to a loss of topsoil.

C. Buffers

Mining operations will be required to prevent off-site erosion of soils and retain a thirty (30) foot buffer zone of existing vegetation around the perimeter of the site exclusive of roads required to provide access to the site which may be maintained by the mine operator.

D. Reclamation Plan

All mine operators shall be required to submit a mine reclamation plan which shall be implemented within one (1) year of closure of

the site to mining activities as required by Chapter 378, F.S. This reclamation plan shall include provisions for revegetation of disturbed areas with a permanent vegetative cover including the use of native species.

4.07.00 HAZARDOUS WASTES

Those persons handling hazardous wastes regulated under the Resource Conservation and Recovery Act, Chapter 40, Code of Federal Regulations, Part 260-265, and Chapter 403, Part IV, Florida Statutes, Resource Recovery and Management, shall abide by said regulations; file all necessary notifications and obtain all applicable permits as required required by said laws.

Those generators of hazardous wastes not complying with the applicable Federal and State Regulations shall be subject to the penalties as outlined in Section 10.15.00 in addition to any other applicable penalties.

4.08.00 HISTORICAL AND ARCHEOLOGICAL RESOURCE PROTECTION

4.08.01 Generally

The following provisions are designed to protect and preserve the historical and archeological resources of the City of Bonifay.

4.08.02 Historical and Archaeological Resources Protection Provision for the City of Bonifay

During review of the development permit application, the authorized city authority shall determine whether or not the proposed development is in an area of historical or archaeological significance as listed on the Florida Master Site File or the Holmes County Comprehensive Listing of Historical and Archaeological Resources.

Should it be determined that the proposed development is located on a site of historical or archaeological significance, the developer is required to have the site surveyed by a competent authority from any of the area colleges, universities, or junior colleges (e.g., Gulf Coast Junior College, University of West Florida, Florida State University, etc.). The results of the survey will be presented to the City to determine how development should proceed. If the site has been previously surveyed for its historical or archeological significance, the results of that survey may be presented to the City for consideration as to how development should proceed.

Should historical or archaeological resources be unearthed during development, construction, renovation, excavation, etc., the developer must notify the city immediately and development must stop for a reasonable period of time to be determined by the City

so that a survey of the historical and archaeological resources can be conducted by a competent authority. The results of the survey will then be presented to the City to determine how development should proceed. The City shall consider how development should proceed.

Prior to the demolition of any housing over 75 years old or housing which is of historical or architectural significance, preservation alternatives shall be evaluated and the site shall be properly recorded.