

Frank Marshall

(3) *Abuse of the environment.* The county shall prevent the development or use of land or the commission of other acts by persons, partnerships or corporations which will tend to destroy or have a substantially adverse effect on the environment of the county. Such destruction or adverse effects may include any or all of the following

(a) Pollution of the air, land or water by foreign substances, including noxious liquids, gases or solid wastes.

(b) Pollution of the air, land or water by the creation of potentially harmful conditions therein, including the creation of unnecessarily injurious heat, noise or odor. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. II, ' 202; Res. No. 86-136, Amend. No. 1, 9-18-86)

| (c) Adverse impacts to all natural areas and the beach environment,

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt

**Section 205.2. Unified Beach Code.** The council shall have the power and it shall be its duty to enact an ordinance, to be known as the Unified Beach Code ("code"), comprehensively regulating public health, safety, welfare, and use on and pertaining to the beach, including, but not limited to, regulation of individual conduct; pedestrian safety, vehicular access and fees; operation and parking of vehicles on beaches and approaches; vendors, concessionaires, and special events; and beach and dune development and utilization in areas east of the state-established Coastal Construction Control Line. (Res. No. 86-136, Amend No 4, 9-18-86; Res. No. 96-121, Amend. Nos. 1, 2, 6-20-96)

Deleted: and

Deleted: and

**Section 205.6. Definitions of Beach and Approach.** "Beach" refers to lands and waters lying seaward of the seawall or line of permanent vegetation or the State-established Coastal Construction Control Line (or any like replacement) where it is west of a seawall or permanent line of vegetation, and within three miles seaward of the mean low water mark, and "approach" refers to property over which there exists a public right of way by title, dedication, prescription, custom, or otherwise for beach ingress and egress between the beach and the easternmost north-south roadway. All beaches and approaches within and without municipalities are included. (Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No 96-121, Amend. No. 2, 6-20-96)

#### A NEW SECTION

**Section XXX. Protection of Dunes and Dune Ecosystem.** The Unified Beach Code shall provide for protection of the oceanfront dunes in their natural state for the benefit and enjoyment of oceanfront residents, barrier island residents that are not oceanfront, and non-barrier island residents by prohibiting and removing any structures of any type on the beach. In areas where development of the beach has already occurred, the council shall use all options available, including public domain power (including condemnation) for acquisition of parcels, to restore the dune and the natural dune vegetation. When the beach is impacted by hurricanes, northeasters, or similar events, the council shall acquire any properties with damage to a residence or business west of the CCCL, and all impacted structures east of the CCCL. The Unified Beach Code shall contain a provision that will not allow any new development east of the CCCL. It is the intent that all areas that are put into public ownership shall also include limited vehicular parking, unlimited access by pedestrians, bicycles, and other non-motorized vehicles, and special provisions to include handicapped access to the greatest extent possible.