ORDINANCE NO. 2020-389

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING ORDINANCE 2012-358, AS AMENDED, ADOPTING BY REFERENCE THE CITY'S COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION CODE; AMENDING VARIOUS SECTIONS OF THE CITY'S COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION CODE INCLUDING ARTICLE 2 (DEFINITIONS) AND ARTICLE 8 (FLOODPLAIN MANAGEMENT); PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry;

WHEREAS, the Federal Emergency Management Agency ("FEMA") has identified special flood hazard areas within the boundaries of the City of Parker and such areas may be subject to periodic inundation which may result 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 general welfare;

WHEREAS, the City of Parker ("City") was accepted for participation in the National Flood Insurance Program on August 1, 1980 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation;

WHEREAS, the City Council adopted the Article 8 of Land Development Code on October 25, 2012 by Ordinance 2012-358 and adopted amendments to Article 8 on March 17, 2015 by Ordinance 2015-372; and

WHEREAS, the City has been requested to make additional changes by the Florida Division of Emergency Management ("FDEM") to satisfy the current requirements of FEMA.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City

of Parker, Florida, that the following floodplain management regulations are hereby adopted.

Section 1. Section 2-2 of the City's Comprehensive Planning and Land Development Regulation Code ("LDR") adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

Sec. 2-2. DEFINITIONS

ABANDONED SIGN. A sign which no longer identifies or advertises a bona fide business; lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

ABUTTING. Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

ACCESSORY DWELLING UNIT. An additional, ancillary dwelling unit located on the same lot or parcel as a principal dwelling unit. Accessory dwelling units are not allowed within the City.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, shall not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, temporary carports, storage buildings and pole barns.

ACCESSORY USE. A subordinate or ancillary use of land, or structure or improvements thereon or portion thereof, customarily used in connection with the occupation of a principle structure upon the same lot, parcel or property.

ADULT CONGREGATE LIVING FACILITY (ACLF). A type of residential care facility as defined in Section 400.021, Florida Statutes. Any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it

holds itself out to the public to be an establishment which regularly provides such services. See residential care facility.

ALTERATION OF A WATERCOURSE. (As relating to Article 8 Floodplain Management only.) A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

AIRPORT. An area of land or water designed and set aside for the landing and taking off of aircraft, utilized or to be utilized in the interest of the public for such purpose and validly licensed by the State in the public airport category or operated by the federal government in the interest of national defense, including but not limited to Tyndall Air Force Base.

ALLEY. A roadway dedicated to public use affording only a secondary means of access to abutting property and not intended for general traffic circulation.

ANIMATED SIGN. Any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "Flashing Sign").

APARTMENT. Any public lodging establishment intended for living accommodations of a family being joined by common walls or other surfaces structurally, either with or without kitchen equipment or housekeeping facilities.

APPEAL. (As relating to Article 8 Floodplain Management only.) A request for a review of the Floodplain Administrator's interpretation of any provision of the Floodplain Management Article or a request for a variance.

AREA OR AREA OF JURISDICTION. The total area of jurisdiction for the City as established by its municipal charter and any subsequent annexations.

ARTERIAL ROAD. A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

ASCE 24. (As relating to Article 8 Floodplain Management only.) A standard titled *Flood Resistant Design and Construction* that is

referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

BASE FLOOD. (As relating to Article 8 Floodplain Management only.) A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

BASE FLOOD ELEVATION. (As relating to Article 8 Floodplain Management only.) The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

BASEMENT. (As relating to Article 8 Floodplain Management only.) The portion of a building having its floor subgrade (below ground level) on all sides.

BEACH. The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation.

BICYCLE WAY. Any road, path or way which is primarily intended for bicycle travel and from which motor vehicles are excluded.

BILLBOARD. (See "Off-Premise Sign")

BUFFER. A specified land area, together with any planting, landscaping, fencing or any physical structure erected on the land, used to visibly separate one land use from another or to shield or block noise, light, or any other nuisance.

BUILDING. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

BUILDING OFFICIAL. A person or entity designated by the City to enforce the regulations associated with the permitting for and construction of new buildings and/or alteration and safety of existing buildings.

BUILDING PERMIT. An official document or certificate issued by the City or its designee, currently Bay County Building Department, authorizing performance of building or construction activity.

BUSINESS. Any enterprise or venture wherein persons either sell, buy,

exchange, barter or deal or any of these things, or represent the dealing in anything or article of value, or rendering services for compensation.

CARPORT. A fixed and permanent structure. It has a foundational floor, not earthen. Its construction and materials shall be substantially similar to the principal structure to which it is attached. The foregoing definition shall not apply to or define a "temporary carport" that is specifically defined herein.

CHANGEABLE COPY SIGN (AUTOMATIC). A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

CHANGEABLE COPY SIGN (MANUAL). A sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

CITY. The City of Parker, Florida, a municipal corporation.

CITY CLERK. The duly appointed clerk of the City.

CITY COUNCIL. The elected legislative body of the City.

CLEARANCE (OF A SIGN). The smallest vertical distance between the grade of the adjacent street and the lowest point of any sign, including framework, embellishments, poles and supports, extending over that grade.

CLINIC. A structure where patients who are not lodged overnight are admitted for examination and treatment by any health care provider.

COASTAL AREA. The land area subject to evacuation in the event of a Category 3 hurricane and all included coastal resources.

COASTAL CONSTRUCTION CONTROL LINE. (As relating to Article 8 Floodplain Management only.) The line established by the State of Florida pursuant to Section 161.053, Florida Statutes, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

COASTAL HIGH HAZARD AREA. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and

Overland Surges from Hurricanes ("SLOSH") computerized storm surge model (Chapter 163.3178.(2)(h), F.S). Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC,B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

COASTAL RESOURCES. Estuarine shorelines, marine wetlands, water dependent land uses, public waterfront access points, and waterfront recreation areas, estuarine and oceanic waters, and submerged lands.

COASTAL OR SHORE PROTECTION STRUCTURE. A shore-hardening structure, such as a seawall, bulkhead, revetment, rubblemound structure, groin, breakwater, rip rap, reef and aggregate of materials other than natural beach sand used for beach or shore protection and which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces.

COLLECTOR ROAD. A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

COMMERCIAL USE. Any activity within land areas which are predominately connected with the sale, rental and distribution of products, or performance of services.

COMMUNITY PARK. A park located near major roadways, and designed to serve the needs of more than one neighborhood.

COMMUNITY RESIDENTIAL HOME. As defined by Chapter 419 of the Florida Statutes, a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides for a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff may be necessary to meet the physical, emotional, and social needs of the residents.

COMPREHENSIVE PLAN. The Comprehensive Plan for the City as amended or superseded.

CONDOMINIUM. That form of ownership of real property existing pursuant to Chapter 718 of the Florida Statutes which is comprised of

units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

CONTAINER HOMES. Homes constructed from repurposed shipping containers. Such homes must meet all residential construction standards of the Florida Building Code. Container home exteriors, at a minimum, shall be painted to replace the industrial finish and remove any original signage. Exterior cladding, doors, windows, porches, and similar architectural elements are encouraged.

CONTIGUOUS. Next to, abutting, or having a common boundary.

CONSERVATION USES. Activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

CONSTRUCTION SIGN. A temporary sigh identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

COPY. The wording on a sign surface in either permanent, temporary or removable letter form.

COUNTY. Bay County, Florida.

DECK. An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

DENSITY, GROSS. The total number of dwelling units divided by the total site area, less public right-of-way.

DESIGN FLOOD. (As relating to Article 8 Floodplain Management only.) The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

DESIGN FLOOD ELEVATION. (As relating to Article 8 Floodplain Management only.) The elevation of the "design flood," including wave height, relative to the datum specified on the community's

legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet.

DEVELOPER. Any person, including a governmental agency undertaking any development.

DEVELOPMENT. (As relating to Article 8 Floodplain Management only.) Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or any other land disturbing activities. Refer to Section 380.04, Florida Statutes.

DEVELOPMENT PERMIT. Includes any land use permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the City Council or its designee having the effect of permitting the development of land.

DIAMETER AT BREAST HEIGHT ("DBH"). The diameter of a tree measured at 54 inches above ground level. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

DIRECTIONAL/INFORMATION SIGN. An on-premise sign giving directions, instructions, or facility information and which may not contain the name or logo of an establishment or any advertising copy; e.g., parking or exit and entrance signs.

DOUBLE-FACED SIGN. A sign with two faces.

DRAINAGE BASIN. The area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

DRAINAGE DETENTION STRUCTURE. A structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

DRAINAGE FACILITIES. A system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

DRAINAGE RETENTION STRUCTURE. A structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

DRIP LINE. The outermost perimeter of the crown of a tree as projected vertically to the ground.

DUPLEX. A residential building containing two separate dwelling units joined by a common wall.

DWELLING UNIT. A single, unified combination of rooms within a structure or part of a structure which is designed for residential use by one or more persons who maintain a common household.

DWELLING, DETACHED SINGLE-FAMILY. A building containing one dwelling unit not attached to any other dwelling unit.

DWELLING, MULTI-FAMILY. A residential building containing two or more separate dwelling units, including duplexes, triplexes, and quadraplexes.

EASEMENT. An incorporeal, non-possessory interest in real property imposed upon corporeal property which confers no right of participation in the profits from the property upon which it is imposed and is imposed for the benefit of the corporeal property, and consists of two tenements, the dominant to which the right of the easement belongs, and the servient, upon which the obligation of the easement rests. An easement may include, but shall not be limited to an express easement, an implied easement, an easement by necessity and a prescriptive easement.

EDUCATIONAL USE. Any land or structure used for public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities and parking.

ELECTRICAL SIGN. A sign or sign structure in which electrical wiring, connections, or fixtures are used.

ENCROACHMENT. (As relating to Article 8 Floodplain Management only.) The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

ESTUARY. A semi-enclosed, naturally existing coastal body of water

in which saltwater is naturally diluted by freshwater and which has an open connection with oceanic waters. "Estuary" includes bays, bayous, lagoons, sounds and tidal streams.

EXISTING BUILDING AND EXISTING STRUCTURE. (As relating to Article 8 Floodplain Management only.) Any buildings and structures for which the "start of construction" commenced before August 1, 1980.

EXISTING MANUFACTURED HOME PARK or EXISTING MANUFACTURED HOME SUBDIVISION. (As relating to Article 8 Floodplain Management only.) A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 1, 1980.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. (As relating to Article 8 Floodplain Management only.) The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACE OF SIGN. The area of the sign in which the copy is placed.

FACILITY. Something that is built, installed or established to serve a particular purpose.

FAMILY. Two or more persons living together in one structure, domicile, house, apartment or living unit, possessing a head, who has a right, at least in a limited way, to direct and control those gathered in the household and who is legally or morally obligated to support himself and any other members and if applicable, other persons who are at least partially dependent on the head of the family for support.

FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"). The federal agency responsible for overseeing the National Flood Insurance Program.

FENCE. A man-made barrier erected to prevent escape or intrusion, mark a boundary or border, or provide a buffer between properties, land uses or land use districts.

FILLING (SERVICE) STATION. Any building, structure, or land used for the dispensing, sale, or offering for sale at retail any motor vehicle fuels, oils, or accessories, and which may offer in conjunction therewith a general motor vehicle repair service as distinguished from

specialized motor vehicle repairs.

FLASHING PORTABLE OR ON PREMISE SIGN. A sign which contains an intermittent, sequential, or rotating light source or which, through reflection or other means, creates an illusion of flashing, intermittent, or rotation light. This definition does not include changeable copy signs.

FLOOD or FLOODING. (As relating to Article 8 Floodplain Management only.)

A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD DAMAGE-RESISTANT MATERIALS. (As relating to Article 8 Floodplain Management only.) Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

FLOOD HAZARD AREA. (As relating to Article 8 Floodplain Management only.) The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

FLOOD INSURANCE RATE MAP ("FIRM"). (As relating to Article 8 Floodplain Management only.) The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY ("FIS"). (As relating to Article 8 Floodplain Management only.) The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

FLOODPLAIN ADMINISTRATOR. (As relating to Article 8 Floodplain

Management only.) The office or position designated and charged with the administration and enforcement of these Land Development Regulations.

FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL. (As relating to Article 8 Floodplain Management only.) An official document or certificate issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with these Land Development Regulations.

FLOODWAY. (As relating to Article 8 Floodplain Management only.) The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot~~a designated height~~.

FLOODWAY ENCROACHMENT ANALYSIS. (As relating to Article 8 Floodplain Management only.) An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

FLOOR AREA RATIO ("FAR"). The relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building stands. It is obtained by dividing the gross floor area of a building by the total area of the lot.

FLORIDA BUILDING CODE ("FBC"). The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"). The agency charged with the establishment, maintenance, and regulation of public transportation in the state of Florida

FOSTER. Affording, receiving, or sharing nurture or care though not related by blood or legal ties.

FOSTER CARE FACILITY. A structure which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either

children or adult foster residents.

FREESTANDING SIGN. A sign supported upon the ground by poles or braces and not attached to any building.

FRONTAGE. The length of the property line of any one premise along a public right-of-way on which it borders.

FUNCTIONALLY DEPENDENT USE. (As relating to Article 8 Floodplain Management only.) A use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

FRONTAGE, BUILDING. The length of an outside building wall facing a public right-of-way.

GARAGE APARTMENT. An accessory building with storage capacity for at least one motor vehicle, the second floor of which is designed as a residence for not more than one family.

GOVERNMENTAL SIGN. Any temporary or permanent sign erected and maintained by the City, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

GROUP HOME. A facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult Congregate Living Facilities comparable in size to group homes are included in this definition. A group home shall not include rooming or boarding houses, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

HARDSHIP. The exceptional difficulty associated with the land that would result from a failure to grant the requested variance. The City requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more

expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HAZARDOUS WASTE. Solid waste, or a combination of solid waste, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

HEIGHT (OF A BUILDING) OR BUILDING HEIGHT. Building Height shall be defined as the vertical distance measured from the weighted average, natural grade elevation to: 1) the highest point of the roof surface for a peak roof; 2) the deck line for a flat roof; or 3) the mean height level between eaves and ridges for mansard roofs. Parapet walls may exceed no more than four feet above the allowable height of a building. Elevator shafts, air conditioning units and similar equipment may extend no more than 25 feet above the allowable height of a building.

HEIGHT (OF A SIGN). The vertical distance measured from the highest point of the sign, including embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.

HIGHEST ADJACENT GRADE. (As relating to Article 8 Floodplain Management only.) The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

HISTORIC STRUCTURE. (As relating to Article 8 Floodplain Management only.) Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

HISTORIC RESOURCES. All areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by the City as historically, architecturally, or archaeologically significant.

HOME OCCUPATION. Any business conducted entirely within a dwelling and carried on solely by the resident thereof, the conduct of which is clearly incidental and secondary to the use of the structure for residential purposes.

HOTEL. Any building, or group of buildings within a single complex

of buildings, which is kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests.

IDENTIFICATION SIGN. A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

ILLEGAL SIGN. A sign which does not meet the requirements of Article 6 and which has not received legal nonconforming status.

ILLUMINATED SIGN. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

IMPERVIOUS SURFACE. An impervious surface area includes any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities.

IMPERVIOUS SURFACE RATIO. The Impervious Surface Ratio (ISR) equals the total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

INCIDENTAL SIGN. A small sign, emblem, or decal located on the window or wall of the building, informing the public of goods, facilities, or services available on the premises; e.g., a credit card sign or sign indicating hours of business.

INDUSTRIAL USE. Any activity within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

INFRASTRUCTURE. Any man-made structure which serves the common needs of the City, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

INTENSITY. The degree to which land is used or occupied.

JUNKYARD. An open area where waste and used or secondhand materials are salvaged, recycled, bought, sold, exchanged, stored, baled, packed, dissembled, or handled, including, but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires and bottles, but excluding motor vehicle wrecking yards.

KENNEL. A business which houses and provides care for household pets and where grooming, breeding, boarding, training or selling of animals is conducted for profit.

LAND. The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

LANDING AREA. The area of the airport used for the landing, take-off, or taxiing of aircraft.

LANDSCAPING. The improvement of appearance or beautification of an area by the planting of trees, grass, shrubs, or other plant materials, or by the alteration of ground contours.

LAND USE. The development, activity, or use that has occurred on or is proposed for the land.

LAND USE DISTRICT. A categorization or grouping of activities (land uses) according to common characteristics. (For the purposes of these Land Development Regulations, land use districts are those described in the Land Use Element of the Comprehensive Plan and shown on the Official Land Use Map.)

Ldn. A day/night 24-hour average sound level, in decibels, obtained after addition of 10 decibels to sound levels occurring during the night time period from 10 PM to 7 AM.

LETTER OF MAP CHANGE ("LOMC"). (As relating to Article 8 Floodplain Management only.) An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment ("LOMA"): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision ("LOMR"): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill ("LOMR-F"): A determination that a structure or parcel of land has been

elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision ("CLOMR"): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LEVEL OF SERVICE. An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

LIGHT-DUTY TRUCK. (As relating to Article 8 Floodplain Management only.) As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

3. Available with special features enabling off-street or off-highway operation and use.

LIVING MARINE RESOURCE. Any oceanic or estuarine plant or animal, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

LOCAL PLANNING AGENCY. The Planning Commission of the City.

LOCAL ROAD. A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movement, and high volume land access for abutting property.

LOT. A specific area of land within a parcel having discernible boundaries established by statute, plat, subdivision, deed or other instrument of conveyance.

LOT, CORNER. A lot abutting two (2) or more intersecting streets.

LOT COVERAGE. The area of a lot or parcel covered by buildings, pavement or other impervious surface.

LOT DEPTH. The depth of lot is the distance measured from the midpoint of the front lot line to the midpoint of the opposite rear lot line.

LOT, SUBSTANDARD. Any lot that does not conform in area or width to the minimum requirements of these Land Development Regulations.

LOT WIDTH. The mean horizontal distance between the side lot lines, measured at right angles to the depth.

LOWEST FLOOR. (As relating to Article 8 Floodplain Management only.) The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the *Florida Building Code* or ASCE 24.

MAINTENANCE. For the purposes of Sign Regulations, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

MANUFACTURED BUILDING. As defined by Chapter 553, Part I, Florida Statutes, a manufactured building is defined as a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building which shall include, but not limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage buildings manufactured and assembled offsite by a manufacturer certified in conformance with Chapter 553, Part I, Florida Statutes. This definition does not apply to mobile homes or manufactured homes.

MANUFACTURED HOUSING or MANUFACTURED HOME. As defined by Title 24 CFR, Part 3280, a structure, transportable in one or more sections,

which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length; and when erected on site, is 320 or more square feet in living area; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to §3282.13 and complies with the standards set forth in part 3280. Such term shall not include any self-propelled vehicle such as a Recreational Vehicle. A manufactured home is a mobile home fabricated on or after June 15, 1976, that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act; however, the construction does not comply with the Florida Building Code. For purposes of these Land Development Regulations, the common term of "mobile home" may be used instead of "manufactured home" unless the context clearly dictates otherwise.

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into three or more manufactured (mobile) home lots for rent or sale. See mobile home park.

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION. (As relating to Article 8 Floodplain Management only.) A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARIJUANA. This term has the same meaning as defined in Section 381.986(1)(f), Florida Statutes (2017), as may be amended or superseded,

MEDICAL MARIJUANA TREATMENT CENTER ("MMTC"). An entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department of Health or its successor agency.

MARINE HABITAT. An area where living marine resources naturally exist or occur, such as seagrass beds, algal beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm

reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

MARINE REPAIR FACILITY. A business activity, with attendant upland or in-water facilities, primarily intended for use in the repair, construction, maintenance, refurbishing, reconstruction, or installation of equipment on boats or vessels.

MARKET VALUE. (As relating to Article 8 Floodplain Management only.) The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this Ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

MIXED USE. Areas intended to provide a functional mix of residential and commercial activities or land uses.

MOBILE HOME. A structure, including manufactured housing, transportable in one or more sections, which is eight (8) body feet or more in width and over thirty-five (35) body feet or more in length, and which is built upon an integral chassis and designed to be used as a dwelling when connected to the required utilities including plumbing, heating, air condition, and electrical systems contained therein. The term "mobile home" includes any of these types of structures such as manufactured homes whether fabricated before June 15, 1976 or not, but does not include "manufactured buildings" as defined in Chapter 553, Part IV, Florida Statutes, "recreational vehicles" as defined in Section 320.01, Florida Statutes, or any other structure constructed in compliance with the Florida Building Code.

MOBILE HOME PARK. An obsolete term used to describe an area where spaces are rented to mobile home owners. It is no longer authorized for new developments. Also referred to as a manufactured home park (see Manufactured Home Park definition).

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the Florida Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation consisting of a perimeter footing with a solid block foundation. Among other possibilities, a modular home may consist of

two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the Florida Building Code) or a series of panels or room sections transported on a truck erected or joined together on the site. A modular home is a manufactured building.

MOTEL, TOURIST COURT, MOTOR LODGE. A group of attached or detached buildings containing individual sleeping units, with motor vehicle storage or parking space provided in connection therewith, and designed for use primarily by motor vehicle transients.

MOTOR VEHICLE. As defined by Section 320.01, Florida Statues, an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, or mopeds.

NAMEPLATE. A nonelectric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

NEIGHBORHOOD PARK. A park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

NEWSPAPER OF GENERAL CIRCULATION. A newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

NEW CONSTRUCTION. (As relating to Article 8 Floodplain Management only.) For the purposes of administration of this Ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after August 1, 1980 and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK or NEW MANUFACTURED HOME SUBDIVISION. (As relating to Article 8 Floodplain Management only.) A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 1, 1980.

NOISE LEVEL REDUCTION or NLR (also known as Sound Level Reduction ("SLR")). Reduction in sound level decibels between two designated locations for a stated frequency or band.

NONCONFORMING SIGN. (1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. (2) A sign which does not conform to the sign regulation requirements provided herein but for which a variance has been issued.

NONCONFORMING USE. A lawful land use existing at the time of passage of these Land Development Regulations or any amendment thereto which does not conform to the requirements or provisions of these Regulations.

NURSING HOME. As defined in Section 400.021, Florida Statutes, any facility which provides nursing services as defined in part I of Chapter 464, Florida Statutes, and which is licensed according to that part.

OCCUPANCY. The portion of a building or premise owned, leased, rented, or otherwise occupied for a given use.

OFF-PREMISES SIGN. A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards: or "outdoor advertising."

ON-PREMISES SIGN. A sign which pertains to the use of the premises on which it is located.

OPEN SPACE. Land in its natural state or essentially unimproved by either buildings, structures, or impervious surfaces, not including water or water bodies.

OPEN SPACE RATIO. The amount of open space area remaining on a lot or parcel as compared to the impervious surface area of the same lot or parcel.

PAINTED WALL SIGN. Any sign which is applied with paint or similar substance on the face of a wall.

PARCEL. A quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or

developed as, a unit or which has been used or developed as a unit.

PARK. A neighborhood, community, or regional park.

PARK TRAILER. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

PARKING LOT. An area or parcel of land used for temporary, off-street parking of motor vehicles.

PEDESTRIAN WAY. A road, path or way which is primarily intended for pedestrian travel and from which motor vehicles are excluded.

PERSON. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PERSONAL SERVICE. Any business providing services which are primarily non-retail and conducted entirely inside a building including, but not limited to, professional and business offices, clinics and laboratories.

PLANNING COMMISSION. The appointed planning commission of the City.

PLAYGROUND. A recreation area with play apparatus.

POLE BARN. A roofed structure (with or without walls) that is supported by wooden, metal, or concrete poles, pilings or vertical supports partially buried in the ground, often having an unfinished floor. Each footing is totally or partially encased in concrete. Corrugated metal panels are typically used on the roof and sides, if they exist, in most pole barns. A pole barn is not a part of the principal structure.

POLITICAL SIGN. For the purposes of these Land Development Regulations, a temporary sign used in connection with a local, state, or national election or referendum.

POLLUTION. The presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interferes with

the enjoyment of life or property.

PORTABLE SIGN. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

POTABLE WATER FACILITIES. A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

PREMISES. A lot or parcel of land either vacant or with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRINCIPAL STRUCTURE. The main or primary structure located on a lot or parcel including any attached carport or garage.

PROJECTING SIGN. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

PROTECTED TREES. Hardwood trees consisting of Ash, Beech, Birch, Buckeye, Chestnut, Elm, American Holly, Magnolia, Black Walnut, Maple, Cherry, Oak, Pecan, Hickory, Tupelo, Poplar and Redbud, all with a diameter of fifteen (15) inches or more when measured 54 inches from the ground, and of Dogwood with a diameter of three (3) inches or more when measured 54 inches from the ground.

PUBLIC ACCESS. The ability of the public to physically enter and use public property including access to the waterfront.

PUBLIC/INSTITUTIONAL USES. Any structure or land that is owned, leased, or operated by a government or non-profit entity, such as civic and community centers, churches, hospitals, libraries, police stations, fire stations, and government administration buildings.

PUBLIC FACILITY/PUBLIC SERVICES AND UTILITIES. Any transportation system or facility, sewer system or facility, solid waste system or facility, drainage system or facility, potable water system or facility, educational system or facility, parks and recreation system or facility and public health system or facility.

PUD. Planned Unit Development

QUADRAPLEX. A residential building with four separate dwelling units.

REAL ESTATE SIGN. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RECREATIONAL USE. Use of land area in which the primary or principle function is for recreation and related activities.

RECREATIONAL VEHICLE. As defined in Section 320.01, Florida Statutes, A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Including a vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of Section 316.515, Florida Statutes, as that section may hereafter be amended or superseded.

RECREATIONAL VEHICLE PARK. A parcel (or contiguous parcels) of land divided into three or more recreational vehicle lots for rent.

RESIDENTIAL USE. Use of land area in which the primary or principle function is for dwellings and associated activities.

RESIDENTIAL CARE FACILITY. A facility providing both a residence (for varying periods of time) and a care component, including but not limited to adult congregate living facilities, group care homes, recovery homes, residential treatment facilities, emergency shelters, and nursing homes.

RESTRICTIVE COVENANT. A contract between two or more persons which involves mutual promises or reciprocal benefits and burdens among the contracting parties (usually involves additional land restrictions beyond city requirements).

RIGHT-OF-WAY. Land in which the state, the county, or the City owns the fee simple title to, or has an easement dedicated, or is required for a transportation or utility use.

ROADWAY. 1) The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use

of the public for purposes of vehicular traffic; 2) The entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner of the way or place and those having express or implied permission from the owner of the way or place, but not by other persons; 3) Any alley; 4) Any highway as defined by or designated under Florida law; 5) Any highway as defined by or designated under the laws of the United States.

ROADWAY FUNCTIONAL CLASSIFICATION. The assignment by the Florida Department of Transportation of roadways into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be subcategorized into principle, major or minor levels. Those levels may be further grouped into urban and rural categories.

ROADWAY LINE. The right-of-way line or boundary line of a roadway.

ROTATING SIGN. A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SAND DUNE. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SANITARY SEWER FACILITIES. Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes truck mains, interceptors, treatment plants and disposal systems.

SERVICES. The programs and employees determined necessary by the City to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the comprehensive plan or required by local, state, or federal law.

SETBACK. A specified distance between a structure and an identified, discernable point such as a roadway right-of-way line or property line.

SHOPPING CENTER, MAJOR. A building or group of attached buildings in which one or more businesses are located and which is 30,001 square feet or more in leasable area with 101 or more parking spaces.

SHOPPING CENTER, NEIGHBORHOOD. A building or group of attached buildings in which one or more businesses is located and which is 30,000 square feet or less in leasable area with 100 or less parking spaces.

SHORELINE. The intersection of a specified plane of water with the shore. The elevation of the specified plane of water shall be within the limits of mean higher high water ("MHHW") and mean lower low water ("MLLW").

SIGN. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

SIGN, AREA OF.

1. Projecting and Freestanding: The area of a freestanding or projecting sign shall have only one face (the largest one) of any double- or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets:

    a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.

2. Wall Signs: The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. The combined areas of the individual figures shall be considered the total sign area.

SITE PLAN. The development plan for one or more lots or parcels on which is shown existing and proposed conditions of the lot(s) or parcel(s) including all of the requirements set forth in these Land Development Regulations.

SOLID WASTE. Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental

operations.

SPECIAL FLOOD HAZARD AREA or SFHA. (As relating to Article 8 Floodplain Management only.) An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

START OF CONSTRUCTION. (As relating to Article 8 Floodplain Management only.) The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or storage buildings not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

STATE LAND PLANNING AGENCY. The Florida Department of Economic Opportunity.

STORM CELLAR. A place below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

STORMWATER. The flow of water which results from, and which occurs immediately following, a rainfall event.

STRUCTURAL ALTERATIONS. Any change, except for repairs or replacement, in the supporting members of a building, such as load-bearing walls, columns, beams, girders, floor joists, or roof joists or any extension of them.

SUBDIVISION. The division or re-division of a tract of parcel of land into three (3) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building

development, which includes all division of land involving a new street or a change in existing streets.

SUBDIVISION IDENTIFICATION SIGN. A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

SUBSTANTIAL DAMAGE. (As relating to Article 8 Floodplain Management only.) Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

SUBSTANTIAL IMPROVEMENT. (As relating to Article 8 Floodplain Management only.) Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 8-7 of these Regulations.

TEMPORARY. Any piece of work that is readily movable and used or intended to be used for a period not to exceed 180 consecutive days. Such structure shall be subject to all applicable property development standards for the district in which it is located.

TEMPORARY CARPORT. A detached manufactured accessory structure customarily used for the shelter or storage of vehicles and/or watercraft, including canopies used for such, which can be moved without disassembly, after removal of any tie down or other anchoring system.

TEMPORARY SIGN. A sign not constructed or intended for use for a period of more than thirty (30) days.

TINY HOME or TINY HOUSE. A single-family dwelling unit built in compliance with the Florida Building Code no larger than 400 square feet.

TINY HOUSE ON WHEELS (THOW). A tiny house sitting on a chasis or axle. For purposes of the LDR, a tiny house on wheels shall be treated in all respects as a recreational vehicle~~.~~.

TOWNHOUSE. A single-family dwelling unit constructed as part of a group of not less than two (2) dwelling units with individual entrances, all of which are contiguous and share a common wall.

TREE. Any living, self-supporting, woody perennial plant which has a trunk diameter of no less than three (3) inches and normally grows to an overall height of no less than fifteen (15) feet.

TRIPLEX. A residential building with three separate dwelling units joined by common walls.

VARIANCE. (As relating to Article 8 Floodplain Management only.) A grant of relief from the requirements of these Land Development Regulations, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by these Land Development Regulations or the *Florida Building Code*.

VEGETATION (NATURAL). Species of indigenous, naturally-occurring plants normally found in the absence of development or landscaping.

VISION TRIANGLE. A triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions such as hedges and fences so that people in one road can see cars approaching on the other.

WALL SIGN. A sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

WATERCOURSE. (As relating to Article 8 Floodplain Management only.) A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

WATER-DEPENDENT USE. Any activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

WETLANDS. Land which is defined in Section 373.019, Florida Statutes as may be amended or superseded. Areas that are inundated or saturated by surface water or groundwater 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. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal 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. Upon legislative ratification of the methodology adopted pursuant to Section 373.421(1), as amended, the limitation contained herein regarding the purpose of this definition shall cease to be effective.

WINDOW SIGN. A sign installed inside a window and intended to be viewed from the outside.

XERISCAPE. Landscaping that maximizes the conservation of water by the use of site appropriate plants and an efficient watering system. The principles of xeriscaping landscaping include planning and design, appropriate choice of plants, soil analysis, the use of solid waste compost as a soil amendment, efficient irrigation, practical use of turf, appropriate use of mulches and proper maintenance.

YARD. An open space on the same lot with a principal structure, unoccupied and unobstructed from the ground upward, except by trees, or shrubbery or other permitted improvements.

YARD, FRONT. A yard extending across the full width of the lot from the front of the principal structure or any projections thereof (except the roof overhang or uncovered steps), to the front lot line.

YARD, REAR. A yard extending across the full width of the lot and between the rear lot and rear line of the principal structure or any projections thereof (except the roof overhand or uncovered steps) and does not include the front and side yards.

YARD, SIDE. A yard extending along the side of a principal structure

situated between the side line of the principal structure, or any projections thereof, and side lot line (excluding roof overhang).

Section 2. Section 8-2.4 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-2.4 Submission of Additional Data to Establish Flood Hazard Areas.

To establish flood hazard areas and base flood elevations, pursuant to Section 8-5~~.2~~ of these Land Development Regulations the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of these Land Development Regulations and, as applicable, the requirements of the *Florida Building Code*.

2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the Applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

Section 3. Section 8-2.6 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-2.6 Abrogation and Greater Restrictions

Article 8 of these Land Development Regulations is not intended to repeal or abrogate any existing regulations including but not limited to other provisions of these Land Development Regulations, zoning ordinances, ~~or~~ stormwater management regulations or the *Florida Building Code*. In the event of a conflict between these Land Development Regulations and any other regulations, the more restrictive shall govern. These Land Development Regulations shall not impair any deed

restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these Regulations.

Section 4. Section 8-3.4 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-3.4 ~~Determinations for Existing Buildings and Structures~~ Substantial Improvement and Substantial Damage Determinations

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the Applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the Applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and these Land Development Regulations is required.

Section 5. Section 8-4.8 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-4.8 Other Permits Required

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Northwest Florida Water Management District; Section 373.036, Florida Statutes.

2. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, Florida Statutes, and Chapter 64E-6, Florida Administrative Code.

3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; Section 161.141, Florida Statutes.

4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, Florida Statutes.

5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

6. Federal permits and approvals.

Section 6. Section 8-5.1 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-5.1 Information for Development in Flood Hazard Areas

The site plan or construction documents for any development subject to the requirements of these Land Development Regulations shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

2. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 8-5.2.2 or 8-5.2.3 of this Article.

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 8-5.2(1) ~~or (2)~~ of this Article.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the Coastal Construction Control Line, if applicable.

8. Extent of any proposed alteration of sand dunes, provided such alteration is approved by the Florida Department of Environmental Protection.

9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these Land Development Regulations

but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with these Land Development Regulations.

Section 7. Section 8-5.2 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-5.2 Information in Flood Hazard Areas Without Base Flood Elevations (approximate Zone A)

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

~~1. Obtain, review, and provide to Applicants base flood elevation and floodway data available from a federal or state agency or other source or require the Applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source; or~~

~~2. Require the Applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or~~

~~3. Where base flood elevation data is not available from another source, the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.~~

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not

reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

4. Where the base flood elevation data is to be used to support a Letter of Map Change from FEMA, advise the Applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the Applicant to satisfy the submittal requirements and pay the processing fees.

Section 8. Section 8-5.3 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-5.3 Additional Analyses and Certifications

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the Applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the Applicant proposes to undertake development activities that do increase base flood elevations, the Applicant shall submit such analysis to FEMA as specified in Section 8-5.4 of this Article and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate ~~a floodway encroachment analysis which demonstrates~~ that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the City. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the Applicant shall submit the analysis to FEMA as specified in Section 8-5.4 of this Article.

4. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

Section 9. Section 8-6.4 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-6.4 Buildings, Structures and Facilities Exempt From the *Florida Building Code*, Lowest Floor Inspection

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code,* or the owner's authorized agent, shall submit

to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 8-5.2.3.b of this Article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Section 10. Section 8-7.6 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-7.6 Functionally Dependent Uses

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in these Land Development Regulations, provided the variance meets the requirements of Section 8-7.~~7~~4 of this Article, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Section 11. Section 8-11.1 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-11.1 Minimum Requirements

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Section 12. Section 8-11.2 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-11.2 Subdivision Plats

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats ~~and final plats~~;

2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 8-5.2(1) ~~or (2)~~ of this Article; and

3. Compliance with the site improvement and utilities requirements of Section 8-12 of this Article.

Section 13. Section 8-12.1 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-12.1 Minimum Requirements

All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

4. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Section 14. Section 8-12.6 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-12.6 Limitations on Sites in Coastal High Hazard Areas (Zone V)

In coastal high hazard areas, alteration of sand dunes shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 8-5.3.4 of this Article demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 8-16.8.3 of this Article.

Section 15. Section 8-13.2 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-13.2 Foundations

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazards areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and these Land Development Regulations. Foundations for manufactured homes subject to Section 8-13.6 of these Land Development Regulations are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and these Land Development Regulations.

Section 16. Section 8-13.4 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-13.4 Elevation

Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 8-13.5 or Section 8-13.6 of these Land Development Regulations, as applicable.

Section 17. Section 8-13.7 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-13.7 Enclosures

Fully enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

Section 18. Section 8-16.4 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-16.4 Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 8-12.4 of this Article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 8-5.3.3 of this Article.

Section 19. Section 8-16.6 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-16.6 Decks and Patios in Coastal High Hazard Areas (Zone V)

In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional

demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent ~~elevated~~ buildings and structures.

5. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

Section 20. Section 8-16.7 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-16.7 Other Development in Coastal High Hazard Areas (Zone V)

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate ~~federal,~~ state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

3. On-site sewage treatment and disposal systems defined in 64E-6.002, Florida Administrative Code, as filled systems or mound systems.

Section 21. Section 8-16.8 of the City's LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

8-16.8 Nonstructural Fill in Coastal High Hazard Areas (Zone V)

In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent ~~elevated~~ buildings and structures.

6. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach- dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Section 22. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 23. Scrivener's Errors.

The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 24. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 25. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 26. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 23rd day of September, 2020.

CITY OF PARKER

Richard Musgrave, Mayor

ATTEST:

Karen Griffin, City Clerk

Examined and approved by me, this 23rd day of September, 2020.

Richard Musgrave, Mayor

*In this Ordinance, language added to an existing section is printed in underscored type, and language deleted is printed in ~~struck through type~~.