

Chapter 3. Floodplain Management and Resource Protection

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3.01.00 GENERALLY

3.01.01 Purpose

This chapter sets forth the requirements necessary to protect the public health, safety and general welfare, by establishing standards that ensure the protection, maintenance, enhancement or *Use* of natural resources within the *City*.

3.01.02 Applicability

All *Development* shall be designed to ensure protection of areas designated as *Floodplains*, coastal zone, wetlands or habitats for listed species.

3.02.00 FLOODPLAIN MANAGEMENT

3.02.01 GENERAL

- A. These regulations shall be known as the *Floodplain Management Ordinance of Panama City Beach*, hereinafter referred to as "this ordinance."
- B. **Scope.** The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code* and listed in Section 3.02.04C; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

- C. Intent.** The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- D. Coordination with the *Florida Building Code*.** This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
- E. Warning.** The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this city, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

- F. Disclaimer of Liability.** This ordinance shall not create liability on the part of the City Council of Panama City Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.02.02 APPLICABILITY

- A. General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard areas within Panama City Beach as established in Section 3.02.02C of this ordinance.
- C. Basis for establishing flood hazard areas.** The Flood Insurance Study for Bay County, Florida and Incorporated Areas dated June 2, 2009 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City's Building Department, 116 S. Arnold Rd.
- D. Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to Section 3.02.05 of this ordinance 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 this ordinance 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.
- E. Other laws.** The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- F. Abrogation and greater restrictions.** This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- G. Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.02.03 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

- A. Designation.** The **Building Official** is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. General.** The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 3.02.07 of this ordinance.
- C. Applications and permits.** The Floodplain Administrator, in coordination with other pertinent offices of the city, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
 3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

- D. 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 this ordinance is required.
- E. Modifications of the strict application of the requirements of the *Florida Building Code*.** The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 3.02.07 of this ordinance.
- F. Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.
- G. Inspections.** The Floodplain Administrator shall make the required inspections as specified in Section 3.02.06 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to:
- I. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 3.02.03D of this ordinance;

- J. Require that applicants proposing alteration of a watercourse notify Bay County and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- K. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- L. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete;
- M. Notify the Federal Emergency Management Agency when the corporate boundaries of Panama City Beach are modified; and
- N. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591), that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- O. **Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at City Hall in the office of the Building Inspector.

3.02.04 PERMITS

- A. **Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s).

No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

- B. Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. Buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:
1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 3. Temporary buildings or sheds used exclusively for construction purposes.
 4. Mobile or modular structures used as temporary offices.
 5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- D. Application for a permit or approval.** To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the city. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
 2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in Section 3.02.05 of this ordinance.
 5. State the valuation of the proposed work.
 6. Be signed by the applicant or the applicant's authorized agent.
 7. Give such other data and information as required by the Floodplain Administrator.
- E. Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this city. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- F. Expiration.** A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- G. Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this city.
- H. 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 West Florida Water Management District; section 373.036, F.S.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 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, F.S.

4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
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.

3.02.05 SITE PLANS AND CONSTRUCTION DOCUMENTS

A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance 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 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 3.02.05B.2 or 3.02.05B.3 of this ordinance.
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 3.02.05B.1 of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
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 or mangrove stands, 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 this ordinance 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 this ordinance.

B. 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. 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 are 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.

C. 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 3.02.05D of this ordinance 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 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 3.02.05D of this ordinance.
4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

D. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

3.02.06 INSPECTIONS

- A. General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. Development other than buildings and structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- C. Buildings, structures and facilities exempt from the *Florida Building Code*.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- D. 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 3.02.05B.3(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- E. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 3.02.06D of this ordinance.
- F. Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

3.02.07 VARIANCES AND APPEALS

- A. General.** The Planning Board shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Planning Board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.
- B. Appeals.** The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Board in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the City Council may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- C. Limitations on authority to grant variances.** The Planning Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 3.02.07G of this ordinance, the conditions of issuance set forth in Section 3.02.07H of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Planning Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- D. Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 3.02.05C of this ordinance.
- E. Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for

the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 12 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

- F. 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 this ordinance, provided the variance meets the requirements of Section 3.02.07D, 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.
- G. Considerations for issuance of variances.** In reviewing requests for variances, the Planning Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 4. The importance of the services provided by the proposed development to the city;
 5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 6. The compatibility of the proposed development with existing and anticipated development;
 7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

H. Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the Planning Board that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

3.02.08 VIOLATIONS

- A. Violations.** Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure authorized by permit for which documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* has not been submitted is presumed to be a violation until such time as that documentation is provided.
- B. Authority.** For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or

stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

- C. Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

3.02.09 DEFINITIONS

A. Interpretation. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

- 1. Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.
- 2. Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

B. DEFINITIONS

Alteration of a watercourse. 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.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24. 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. 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. 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. The portion of a building having its floor subgrade (below ground level) on all sides.

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the city, 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. A special flood hazard area 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. 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.

Design flood. The flood associated with the Flood Hazard Area, as defined herein.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the city'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.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. 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.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before **June 1, 1977**.

Existing manufactured home park or subdivision. 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 June 1, 1977,

Expansion to an existing manufactured home park or subdivision. 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).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from:

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. 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. The greater of the following two areas:

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 city's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the city on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the city.

Flood Insurance Study (FIS). 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. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. 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 this ordinance.

Floodway. 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.

Floodway encroachment analysis. 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.

Florida Building Code. 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.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). 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 city'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.

Light-duty truck. 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.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, 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 non-elevation requirements of the *Florida Building Code* or ASCE 24.

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. 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 one or more 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 the Property Appraiser.

New construction. 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 **June 1, 1977**.

New manufactured home park or subdivision. 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 **June 1, 1977**.

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.

Recreational vehicle. A vehicle, including a park trailer, which is:

1. Built on a single chassis;
2. Four hundred (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.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. 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.

Start of construction. The date of issuance of permits for new construction and substantial improvements, 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 sheds 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.

Substantial damage. 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

Substantial improvement. 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: 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.

1. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

3.02.10 FLOOD RESISTANT DEVELOPMENT

A. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 3.02.04C of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings,

structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 3.02.16 of this ordinance.

- B. Buildings and structures seaward of the coastal construction control line.** If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building Section 3109* and *Section 1612* or *Florida Building Code, Residential Section R322*.
 2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.
 3. In coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

3.02.11 SUBDIVISIONS

- A. 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.
- B. 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;
 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 3.02.05B.1 of this ordinance; and
 3. Compliance with the site improvement and utilities requirements of Section 3.02.12 of this ordinance.

3.02.12 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

- A. 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
 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.
- B. Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- C. Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- D. Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 3.02.05A of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- E. Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.
- F. Limitations on sites in coastal high hazard areas (Zone V).** In coastal high hazard areas, alteration of sand dunes and mangrove stands 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 3.02.05C.4 of this ordinance 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 3.02.16H.3 of this ordinance.

3.02.13 MANUFACTURED HOMES

- A. General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- B. 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 hazard 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 this ordinance. Foundations for manufactured homes subject to Section 3.02.13F 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 this ordinance.
- C. Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- D. Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 3.02.13E or 3.02.13F of this ordinance, as applicable.
- E. General elevation requirement.** Unless subject to the requirements of Section 3.02.13F of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2* (Zone A) or Section R322.3 (Zone V).
- F. Elevation requirement for certain existing manufactured home parks and subdivisions.** Manufactured homes that are not subject to Section 3.02.13E of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or

subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V)*; or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

G. Enclosures. 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.

H. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential Section R322*, as applicable to the flood hazard area.

3.02.14 RECREATIONAL VEHICLES AND PARK TRAILERS

A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

B. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 3.02.14A of this ordinance for temporary placement shall meet the requirements of Section 3.02.13 of this ordinance for manufactured homes.

3.02.15 TANKS

A. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

B. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 3.02.15C of this ordinance shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood,

including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

2. Not be permitted in coastal high hazard areas (Zone V).
- C. Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- D. Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:
1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

3.02.16 OTHER DEVELOPMENT

- A. General requirements for other development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:
1. Be located and constructed to minimize flood damage;
 2. Meet the limitations of Section 3.02.12D of this ordinance if located in a regulated floodway;
 3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 4. Be constructed of flood damage-resistant materials; and
 5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- B. Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 3.02.12D of this ordinance.
- C. Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3.02.12D of this ordinance.

D. 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 3.02.12D of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 3.02.05C.3 of this ordinance.

E. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

F. 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 buildings and structures.
4. 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.

G. 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, F.A.C., as filled systems or mound systems.

H. 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 buildings and structures.
3. 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.

(Ord. # 1156, § 2, 6-25-09; Code Chapter 11; Ord # 1368, 4-14-16)

3.03.00 WETLANDS PROTECTION

3.03.01 Applicability

The provisions of section 3.03.00 apply to all wetlands located within the **City**. The location of wetland boundaries shall be according to the requirements of the Northwest Florida Water Management District, USACOE and/or the FDEP.

3.03.02 Agency Permits Required

All **Development** within the **City** shall obtain applicable permits from the Northwest Florida Water Management District, USACOE and/or the FDEP for **Development** within or adjacent to protected wetlands prior to issuance of **City Building Permits**. The issuance of a **Local Development Order**, pursuant to the procedures set forth in Chapter 10, may be conditioned upon the receipt of wetlands permits prior to receipt of **Building** or other construction permits from the **City**.

3.03.03 Development Rights in Wetlands

- A. Density or intensity of **Development**, as established for the zoning district in which the wetland is location, shall be calculated for the entire site, including the wetland.
- B. Proposed **Development** on a **Parcel** containing protected wetlands shall be located on uplands within the **Parcel** or pursuant to any conditions of permits issued by the Northwest Florida Water Management District, USACOE and/or FDEP.
- C. Where the amount of uplands is not sufficient to accommodate the allowable **Development** and permits from the Northwest Florida Water Management District, USACOE and/or FDEP allow impacts to protected wetlands, mitigation shall be required, as set forth in section 3.03.04 and as required by the Northwest Florida Water Management District, USACOE and/or FDEP.

3.03.04 Mitigation of Wetlands Impacts

- A. Wetlands shall be protected from the impacts of **Development** through the provision of buffers. Buffers shall meet the location and design standards set forth in Chapter 4.
- B. Any allowable impact on wetlands shall be mitigated as required by the Northwest Florida Water Management District, USACOE and/or FDEP.

3.03.05 Limitations on Development

- A. Clearing of vegetation within a wetland shall be limited to the requirements of the Northwest Florida Water Management District, USACOE and/or FDEP. **Native Vegetation** shall be protected, except for clearing allowed by this section.
- B. Allowable **Buildings** shall be built to ensure that the **Lowest Floor** exceeds the highest recorded **Flood** level in the wetland by a minimum of one (1) foot. Where no **Flood** data are available, the **Lowest Floor** shall exceed the highest seasonal water level by a minimum of two (2) feet.

- C. Septic tanks, drain fields and gray water systems, where permitted, shall be located a minimum of seventy-five (75) feet from the boundary line of the wetland.
- D. Allowable **Development** within or adjacent to wetlands shall be designed and located to avoid impacts to the following:
 - 1. The habitat, quantity, diversity and food sources of fish, wildlife and listed species.
 - 2. Water quality of the wetland.
 - 3. The capability of the wetland to store and convey **Flood** waters.
 - 4. Historic resources, including both locally designated historic resources and those listed on the Master Site File List of the Florida Department of State.

3.03.06 Limitations on Dredge and Fill Activities

Dredge and fill activities shall be limited to that approved by the Northwest Florida Water Management District, USACOE and/or FDEP.

3.04.00 PROTECTED HABITATS

3.04.01 Applicability

Applications for **Development** proposed for locations identified on the Plant and Animal Occurrences Map of the Comprehensive Plan shall include a Habitat Management Plan.

3.04.02 Requirements for a Habitat Management Plan

- A. A Habitat Management Plan shall include the following information:
 - 1. A pre-**Development** vegetative cover survey by a professional biologist, which identifies occurrences of listed species.
 - 2. An analysis of the impact of proposed **Development** on the **Protected Habitat**. Such analysis shall include consideration of the abundance, diversity and food sources for listed species.
 - 3. An estimate of the land needed to provide viable habitat for listed species that occur on the site.
 - 4. Identification of methods and techniques to ensure protection of the habitat and any listed species. Methods and techniques shall include, but are not limited to, storage and removal of construction materials, equipment and debris; erosion control measures; revegetation; stabilization of disturbed areas; protection of existing **Native Vegetation**; and methods to prevent pollution of surface and ground waters.
 - 5. Where disturbance, damage or destruction of the **Protected Habitat** is unavoidable and allowable by permit from agencies with jurisdiction, the

Habitat Management Plan shall identify the proposed mitigation for disturbance, consistent with FDEP or USACOE requirements.

- B. The adequacy of the Habitat Management Plan shall be determined by the *City* in consultation with other appropriate agencies.

3.05.00 STORMWATER MANAGEMENT

No *Local Development Order* or *Building Permit*, as applicable for *New Development*, *Redevelopment* or *Change of Use* shall be issued unless the **Development** has complied with the provisions of this section.

3.05.01 Public Policy

The purpose and public policy of this section is to provide standards that will: reduce and/or prevent flood damage; protect surface waters from contamination caused by stormwater runoff; provide criteria for adequate drainage and stormwater management; and, promote established policies of the State relative to stormwater management and flood damage prevention.

(Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

3.05.02 Applicable State Requirements

In addition to meeting the requirements of this section all development projects must comply with the provisions of Chapter 62-25 "Stormwater Discharge" and Chapter 14-86 "Drainage Connections" as found in the Florida Administrative Code (FAC). No final building permit or subdivision approval may be issued until such time as applicable state permits have been obtained.

(Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

3.05.03 Applicable Federal Requirements

In addition to meeting the requirements of this section, all development projects which result in land disturbance of equal to or greater than one acre must comply with the provisions of the National Pollutant Discharge Elimination Systems from the Environmental Protection Agency as found in 40 CFR parts 122 and 123.

(Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

3.05.04 Exemptions

A development shall be exempted by the City Engineer from the requirements of this chapter if the development qualifies under the following exemptions and if developer files with the City Engineer a written request for exemption with supporting plans and information demonstrating that the development meets an exemption; provided however, that in no instance shall any development be exempt from section 3.05.07, "Obstruction of Drainageways," section 3.05.08, "Uncontrolled Stormwater Runoff," and section 3.05.14, "Erosion and Sedimentation Control."

- A. New development, or development consisting of an addition to an existing development, which contains less than six hundred (600) square feet of horizontal, impervious surface area. Further, where (i) an addition to an existing

development, or (ii) the total of additions made after September 10, 1998, the effective date of this law, to an existing development (A) contains in excess of six hundred (600) square feet of horizontal, impervious surface area but does not cross the twenty percent threshold specified in the following clause, then the total of such additions shall be made to comply with this Chapter, or (B) contains in excess of twenty (20) percent of the square footage of horizontal, impervious surface area of the development existing on September 10, 1998, then there shall be no exemption and the entire development shall be made to comply with this section.

- B. Development which discharges directly into an existing stormwater treatment facility with sufficient reserve quality and quantity capacity as determined by the City Engineer to satisfy the requirements of this Chapter, or directly into estuarine water will not require flood attenuation, however, compliance with water quality standards and siltation controls shall be required.
- C. Development that must meet a stricter stormwater management standard mandated by another agency.
- D. Maintenance work (for public health and welfare purposes) on existing mosquito control drainage structures.
- E. Emergencies requiring immediate action to prevent substantial and immediate harm and danger to the public or environment. A report of any emergency action shall be made to the City as soon as possible.
- F. Construction of no more than two (2) *Single Family Residential* dwellings, or a single duplex *Residential* dwelling, or a single triplex *Residential* dwelling; provided any such dwellings are not part of a larger, common plan of development. When making a determination as to whether or not a particular dwelling is part of a larger, common plan of development the following criteria shall be used:
 1. Size of the property involved and the number of units that could be built based on allowable densities.
 2. Whether or not the property involved has been subdivided and the timing of such subdivision.
 3. Unity of ownership, ownership interests, and business relationships of the owner(s) including family members or partnerships.
 4. Similarity of development plans on subdivided parcels.
 5. The extent to which the proposed development project, when viewed as a whole, would be feasible on a subdivided parcel independent of the larger parent parcel, e.g. common *Driveways*, parking areas, buildings straddling parcel property lines, et cetera.
 6. Obvious intent to evade regulation or any other relevant information that would indicate a developer's obvious intent to build or place more than one *Single Family*, duplex, mobile home or manufactured home on one lot or parcel.

7. Obvious indicators of a larger, common plan of development including, but not limited to, multiple septic tank permits, multiple water and sewer tap fees, multiple *Driveway* permits, et cetera.
- G. Any development to replace portions of damaged or destroyed development existing on September 10, 1998, the effective date of this ordinance, provided that the square footage of horizontal, impervious surface area replaced does not exceed fifty(50) percent of the horizontal impervious surface area of the development existing on September 10, 1998. Any other development to replace all or part of development existing on September 10, 1998, shall include bringing the entire development into compliance with this Chapter. As used herein, damage or destruction includes planned or intentional acts, as well as fortuitous events. As used herein, replace means to replace the whole or substantially the whole of any portion of a development.

(Ord. # 583, § 1, 9-10-98; Ord. # 614, § 1, 3-11-99; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04; Ord. # 985, § 1, 9-22-05)

3.05.05 Appeals

- A. Any person aggrieved, developer, owner or applicant who alleges that the administrative official acted erroneously in enforcing this law, or any person aggrieved, developer, owner or applicant who believes he is entitled to a variance from the enforcement of this law, may appeal the decision of that administrative official to the Planning Board. Such appeal, including any appeal fee, shall be filed within thirty (30) days of the receipt of an official notice of decision, or such longer time as may be expressly provided by this law for a particular circumstance. Such an appeal shall be the exclusive remedy to challenge the decision or authority of the administrative official.
- B. The Planning Board shall hear and decide all appeals and requests for variances pursuant to the procedures specified in section 9.03.00 of this LDC, as amended from time to time. In the event of an irreconcilable conflict between the procedures specified in this section and in said section 9.03.00, this section shall control. The Planning Board is authorized to hear appeals on two (2) grounds and no other, namely,
1. The Planning Board is hereby authorized to interpret and construe where necessary the provisions of this law as applied to any particular circumstance.
 2. The Planning Board is hereby authorized to grant such variances from the literal application of this law as will not be contrary to the public health, safety or welfare, if special conditions or circumstances exist which are not common to those similarly situated and owing to which a literal enforcement of the provisions of this law will result in unnecessary hardship. An appeal for such a variance shall be in writing and shall state in detail the reasons for the request. No other reasons shall be considered. The appeal shall be signed by the applicant who must be the owner or person who will be entitled to possession of the property. The Planning Board shall grant the variance, deny the variance, or grant the variance with conditions within sixty (60) days after the appeal is filed.

3. Any person aggrieved by any decision of the Planning Board may seek review by certiorari in the Circuit Court, 14th Judicial Circuit, Bay County Florida, which shall be the exclusive remedy to challenge the decision or authority of such Board.

(Ord. # 583, § 1, 9-10-98; Ord. # 617, § 5, 3-11-99; Ord. # 907, § 2, 10-14-04; Ord. # 985, § 1, 9-22-05)

3.05.06 Single Family Dwelling

Construction of no more than two (2) *Single Family Residential* dwellings, or a single duplex *Residential* dwelling or a single triplex *Residential* dwelling shall meet the following standards.

- A. The first floor living area shall be no less than 12 inches above the crown of the road at the highest point of the road or top of curb along the lot frontage, whichever is more restrictive, all as determined by the City Engineer.
- B. Notwithstanding the foregoing, the City Engineer shall be authorized, upon application by the owner of the property involved and payment of an application fee, to authorize the waiver or modification of the requirements of this section with respect to a single *Residential* lot where, in his or her opinion, based upon the proposed site conditions as demonstrated in the application (i) the first floor living area of the *Residential Development* does not present a potential flooding hazard, and (ii) the proposed surface grades will provide positive drainage away from the structure and into a public right-of-way, or existing pond or other retainage site with adequate capacity. The property owner shall be entitled to appeal the decision of the City Engineer to the Planning Board on the grounds that the engineer's decision was arbitrary, capricious, and not based upon sound engineering principles. Such appeal shall be pursuant to the procedures specified in section 10.16.00, as amended from time to time.

(Ord. # 583, § 1, 9-10-98; Ord. # 614, § 2, 3-11-99; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

(Ord. #1254, 11/14/13)

3.05.07 Obstruction of Drainageways

To the extent practicable, all development shall conform to the natural contours of the land with natural or man-made drainage-ways left unobstructed. The obstruction of natural or man-made drainage-ways is strictly prohibited.

(Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

3.05.08 Uncontrolled Stormwater Runoff and Grading

- A. Except for historical drainage caused by means existing prior to August 12, 2004, it shall be unlawful to discharge undirected or uncontrolled stormwater runoff caused by buildings, parking lots, roof overhangs, gutters, downspouts or other means from one property to another across any property line. No structure, building, parking lot, roof overhang, or other development shall be designed, constructed or maintained so as to discharge stormwater across or over any property line unless such discharge is part of an approved stormwater management or drainage system (e.g. ditches, swales, retention pond, et cetera).

- B. Each lot, site or parcel to be developed shall be adequately graded. Adequately graded means that topographic elevations of the structure or building foundation in relation to the surrounding site are constructed so that: 1) stormwater runoff will drain away from the structure or building being developed, 2) stormwater runoff will be retained on-site and not discharged onto adjacent properties, and 3) stormwater runoff will be discharged into an approved stormwater management or drainage system. No lot, site or parcel shall be graded in such a manner as to cause stormwater runoff discharges onto an adjacent property across any property line unless such discharge is part of a stormwater and erosion control plan approved under this Chapter.

(Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

3.05.09 Minimum Dwellings Served

No stormwater retention or detention pond (wet or dry) or exfiltration system permitted or constructed after August 12, 2004, to serve *Residential* property in compliance with this Chapter shall serve less than two (2) *Single Family Residential* dwellings, or a single duplex *Residential* dwelling, or a single triplex *Residential* dwelling.

(Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

3.05.10 Ponds and Exfiltration Systems

Every stormwater retention or detention pond (wet or dry) and every exfiltration system permitted or constructed after August 12, 2004, to serve *single family* dwellings, duplex *Residential* dwellings or triplex *Residential* dwellings in compliance with this Chapter shall be located on a single parcel of record. The boundary of the parcel on which the pond is located shall nowhere be less than three (3) feet from the top of bank of the pond or any portion of the system. The parcel on which the pond or system is located shall not be included with the property served by the pond or system for the purpose of computing minimum setback area or minimum lot area required for the latter by the land development regulations of the City.

Code 26-01 through 26-23 (Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

3.05.11 Drainage and Stormwater Management Plan

- A. All development not exempt from the requirements of this Chapter shall provide for adequate drainage and stormwater management. The term "Adequate drainage and stormwater management" means the design and construction of drainage systems that will not cause flood damage to the property involved or surrounding properties, and will meet the criteria specified in Chapter 62-25, FAC and the criteria specified herein. Specifically, drainage and stormwater management systems shall provide for maintenance of surface water quality and flood attenuation.
- B. Owners or developers of all developments not exempt from the requirements of this Chapter shall submit a proposed drainage and stormwater management plan conforming to the requirements of this chapter and signed and sealed by a Professional Engineer registered in the State of Florida prior to receiving a building permit for any such development, and such building permit shall be conditioned upon full compliance with that plan and this Chapter. No development

subject to the requirements of this chapter shall be made except in conformity with this chapter and such plan. The plan shall consist of engineering drawings, calculations, narrative et cetera, as necessary to provide the information required below.

1. Name, address, and telephone number of the applicant.
2. Location map and/or aerial photograph of the development site, which clearly outlines project boundaries.
3. Boundary and topographic survey, including the location of all easements, rights of way, and Coastal Setback Line or Coastal Construction Control Line as appropriate.
4. Flood zone determination from the Flood Insurance Rate Maps.
5. Elevations of any flood zone along with the flood hazard boundaries shall be delineated on the drainage plans.
6. A description and drawing of pre-development hydrologic and environmental conditions of the site, sufficient to clearly show:
 - (a) Receiving waters and all existing drainage structures to outfall systems, if any.
 - (b) Stormwater runoff directions, volume, and flow rates.
 - (c) Adjacent upland acreage draining onto the subject site, if any.
 - (d) Nearby wetlands and other environmentally significant resources.
 - (e) Existing and projected seasonal high groundwater levels beneath and proximate to the proposed stormwater treatment and attenuation system.
 - (f) A description of on-site vegetation and soils.
 - (g) Any maps, sketches, graphs, tables, photographs, narrative studies, and other information useful to evaluate the impact of development on stormwater runoff from the project site.
7. Proposed stormwater management system features including the pre- and post-development locations of inlets, wet and dry swales, wet and dry ponds, conveyance systems, easements, et cetera, including a grading and drainage plan showing the exact size and location (top of bank, slope of bank and depth) of all ponds, swales, CLOSED and open conveyances. The grading and drainage plan shall include existing and proposed finished grade contours at one (1) foot elevation intervals.
8. Pre-development and post-development basin and sub-basin boundaries, including all on-site and off-site areas contributing to the site, and the breakdown of the sub-areas contributing to each drainage structure in the internal stormwater collection system, where applicable.

9. Drawings of pre-development and projected post-development stormwater runoff direction, volume, and flow rates at each point of discharge, and before-and-after charts reflecting the volume and flow rate at each point of discharge.
 10. Design storm frequency/intensity calculations. Calculations shall consider the effects of tailwater and seasonal high ground water elevation. The calculations shall provide a narrative on the determination of each.
 11. A schedule for continual maintenance of the stormwater management system, erosion and sedimentation control.
 12. For a private stormwater management system, evidence of compliance with section 3.05.09 "Minimum Dwellings Served" and section 3.05.20 "Maintenance By An Acceptable Entity."
- C. The City Engineer may waive portions of information required above where it is deemed inapplicable or otherwise unnecessary for the evaluation of the particular site conditions.

Code 26-26 (Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

3.05.12 Pollution Control (quality)

All development not exempt from the requirements of this Chapter shall provide for stormwater treatment as follows:

- A. At a minimum, the first one-half inch of stormwater runoff shall be retained within drainage areas less than one hundred (100) acres. For areas one hundred (100) acres or more, the runoff from one (1) inch of rainfall shall be retained with the runoff coefficient being no less than 0.5. The total volume retained must percolate within seventy-two (72) hours.
- B. The retention and detention of a greater amount of stormwater may be acquired in areas of special concern as designated by the City.
- C. Except as described in paragraph b, all drainage and stormwater management systems shall comply with requirements set forth in Chapter 62-25, FAC.
- D. All stormwater discharge facilities shall have sediment controls and skimming devices.
- E. Off-site discharge flows shall be limited to non-erosion velocities.
- F. Drainage and stormwater management systems which directly discharge to surface waters within Ecosystem Management Areas or Outstanding Florida Waters (OFW) shall include an additional fifty (50) percent of treatment criteria specified in section 62-25.035(1)(b) or section 62-25.040 or section 62-25.042, FAC (OFW standards).

(Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04; Ord. # 985, § 1, 9-22-05) (Ord. #1254, 11/14/13)

3.05.13 Flood Control (quantity)

All development not exempt shall provide for flood attenuation as follows:

- A.** At a minimum, facilities shall be provided to attenuate a 25-year frequency storm event of critical duration so that the post-development stormwater peak discharge rate shall not be greater than the predevelopment peak discharge rate. In addition, development which cannot demonstrate a positive, direct discharge into a receiving wetland or a public easement or right-of-way, each with sufficient capacity to accept stormwater runoff from a 100-year frequency storm event of critical duration without adversely affecting other development or property, shall attenuate a 100-year frequency storm event of critical duration. The critical duration shall be defined as the storm event that when routed through the proposed facility results in the greatest post-development discharge rate. The FDOT 1-hour, 2-hour, 4-hour, 8-hour and 24-hour rainfall distribution shall be used to determine the critical duration. Off-site contributions shall be exempt from the foregoing attenuation requirements, provided that they are conveyed through the site and discharged at the same location as prior to development. The analysis of pre-development run-off shall presume the site to be in a natural and undeveloped condition, except that the analysis of pre-development run-off for a public roadway redevelopment project shall use the current site conditions. A public roadway redevelopment project is a roadway project proposed by a governmental entity, or a non-governmental entity if the roadway project is required as an off-site improvement by a development order or permit, that involves the redevelopment of an existing roadway classified as a principal or minor arterial or an urban or rural collector.
- B.** Developments which directly discharge stormwater into estuarine waters shall not be subject to stormwater quantity standards.
- C.** For those developments located within the basin of a regional stormwater plan, the stormwater facility shall consider the critical duration for the regional stormwater plan basin. The post-development discharge for the stormwater facility shall not exceed the pre-development rate for the event equal in duration to the critical event for the regional stormwater plan basin.
- D.** All stormwater discharge facilities shall have sediment controls and skimming devices.
- E.** Off-site discharge flows shall be limited to non-erosion velocities.
- F.** For purposes of this section, direct discharge or directly discharge shall mean that stormwater is discharged into a water body via a continuous piped or channeled conveyance to the water's edge over a course or path not exceeding 500' in length.

(Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04; Ord. # 985, § 1, 9-22-05; Ord. # 1141, § 1, 5-14-09; Ord. #1254, 11/14/13)

3.05.14 Erosion and Sedimentation Control

- A.** All development shall provide for erosion and sedimentation control as follows:
1. During construction, storm drainage inlets shall be protected by hay bales, sod screens, or temporary structures to prevent sedimentation. All soil stockpiles shall be protected against dusting and erosion.
 2. At all times during and after development, denuded areas shall be stabilized. Final stabilization measures shall be in place within sixty (60) days of final grading.
 3. All control measures shall comply with the management practices contained in the Florida Department of Environmental Regulation's Florida Development Manual: A Guide to Sound Land and Water Management.
- B.** The drainage and stormwater management plan required by this Chapter shall be accompanied by a plan for erosion and sedimentation control as required by the preceding subsection (A).

(Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04; Ord. # 985, § 1, 9-22-05)

3.05.15 Waiver

The submission of an erosion and siltation control plan may be waived by the City Engineer for minor developments of less than one (1) acre.

(Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

3.05.16 Stormwater Management System Design Standards and Criteria

The purpose of this section is to provide approved methods that are available to the Engineer of Record for stormwater management system design.

- A.** Technical References. Standard and guidelines, which are found in the FDOT Drainage Manual, applicable FDOT handbooks, FDOT Roadway and Traffic Design Standards, or other references accepted by the City Engineer, shall be considered part of this document. In addition, the following shall supersede or supplement the above-mentioned references.
- B.** Detention and Retention Ponds General Design Criteria. The purpose of the detention and retention ponds is to serve as a buffer to attenuate peak flows and or excess runoff volume from developed areas. Minimum criteria for detention/retention ponds shall be as follows:
1. A minimum of six (6) inches or ten percent (10%) of the total volume will be provided as freeboard, whichever is more restrictive.

2. Coefficient of runoff used shall be as follows:

Surface	Coefficient of Runoff
Roofed and paved areas =	0.95
Bodies of water and retention and detention ponds =	1.0
Swale and recharge areas =	0.7
Gravel =	0.6
Compacted base material in vehicular areas =	0.75

3. Percolation rates utilized in stormwater calculations shall be factored rates obtained by field testing at an elevation near the bottom of the facility or as contained in the Bay County Soil Survey.
4. The preferred method of testing is the Double Ring Infiltrometer (DRI) using ASTM Standard Method D3385-75. The standard factor of safety applied to percolation rates shall be 2 for DRI tests, 3 for other field testing, and 4 for percolation rates as contained in the Bay County Soil Survey. The use of different factors of safety shall be justified in the stormwater report and approved on a case by case basis by the City. Maximum design percolation rate shall not exceed twenty-four (24) inches per hour.
5. Detention with filtration drains (i.e., Side drains, et cetera) may be used in special applications when approved by the City and shall use a factor of safety of three.
6. The pond bottom for all dry ponds shall be a minimum of two (2) feet above the seasonal high ground water table, unless a detailed mounding analysis acceptable to the City Engineer is provided to verify the adequacy of the proposed stormwater system.

Code 26-36 through 26-40 (Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

3.05.17 Adherence

Once approved, an applicant shall adhere to the stormwater and erosion control plan. Any amendments to the plan must be approved by the City.

(Ord. # 583, § 1, 9-10-98; Ord. # 907, § 2, 10-14-04)

3.05.18 Certification

After completion of the project, the Engineer of Record shall certify that control measures which make up the development's drainage and stormwater management system plan meet the water quality, flood attenuation, and erosion and siltation standards outlined in the plan prior to issuance of Certificate of Occupancy for Site Development Projects or Acceptance of Subdivision Project. If project requires a FDEP stormwater permit, a copy of the completion certificate must also be provided.

(Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. 907, § 2, 10-14-04)

3.05.19 Inspection

The owner, engineer, contractor, or developer shall arrange for periodic City inspections of the control systems during development and prior to cover-up of underground systems as necessary to ensure adherence to the plan.

(Ord. # 583, § 1, 9-10-98; Ord. 907, § 2, 10-14-04)

3.05.20 Maintenance by an Acceptable Entity

If the stormwater management system is not dedicated to the City, the stormwater system shall be owned by an entity that has the perpetual, legal obligation and right to operate and maintain the system to ensure that the recovery rates and discharge quantity and quality standards remain the same as designed. In addition, where the system and all properties served by the system are not owned by such entity, the entity must have the perpetual, legal right to pay the cost of such operation and maintenance from assessments and liens upon properties served by the system. Adequate drainage and easements and rights of way access shall be provided to ensure maintenance.

(Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

3.05.21 Dedication and Maintenance by the City

A. If a stormwater management system approved under this Code will function as an integral part of the City maintained system, as determined by the City Engineer, the facilities shall be dedicated to and maintained by the City.

(Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

B. For stormwater systems dedicated to the City as defined in paragraph A above, all necessary drainage easements and rights of way shall be furnished at no expense to the City Council. Said easements shall be a width of not less than the surface width required of the drainage ditch plus a fifteen (15) foot berm to lie wholly along one side of the ditch. In the case of storm sewer, a minimum width of twenty (20) feet is required, and for a one-pipe system, a minimum width of fifteen (15) feet is required.

(Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

3.05.22 Failure to Maintain, Control, or Comply

If the owner or developer of any Development fails to (i) comply with any provision of this Chapter or (ii) properly install, maintain, control, or correct the control systems on the Development which causes any flooding, pollution, erosion, or siltation, such person shall be subject to one or more of the following remedies, depending on the nature of the offense:

A. The City may declare the flooding, pollution, erosion, or siltation a nuisance pursuant to Chapter 15, City of Panama City Beach Code of Ordinances, and require that nuisance to be abated or abate the nuisance itself. The costs of abatement shall be assessed against the owners and their property which assessment, if not paid, shall become a lien on the property which is the site of the development; or

- B. The City may evaluate the flooding, pollution, erosion, or siltation as to its impact upon the City stormwater drainage systems. The cost of accommodating the increased flows shall be assessed against the owners and their property which assessment, if not paid, shall become a lien on the property which is the site of the Development; or,
- C. The owner or developer of the Development may be subject to a civil penalty for any violation of this Chapter as more particularly specified in Chapter 25, City of Panama City Beach Code of Ordinances; or,
- D. The owner or developer of the Development may be cited with a municipal offense as provided in section 1-12, City of Panama City Beach Code of Ordinances; or,
- E. The condition shall be deemed a public nuisance and may be abated by the City as provided by law pursuant to section 1-12, City of Panama City Beach Code of Ordinances.
- F. Subject to any combination of paragraphs A, B, C, D and E.

Code 26-50 through 26-56 (Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

3.05.23 Off-site Stormwater Sedimentation Control Requirements

- A. Upon City approval, developers may propose to provide off-site treatment and flood attenuation facilities if capacity of such systems is adequate and their maintenance is ensured.

(Ord. # 583, § 1, 9-10-98; Ord. 907, § 2, 10-14-04)

- B. In lieu of on-site facilities, developers may request to participate in existing or in planned public or regional stormwater facilities, pursuant to a development agreement with the City, which by its terms shall require the developer to pay its proportionate share of such facilities.

(Ord. # 583, § 1, 9-10-98; Ord. # 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

- C. Where off-site facilities are expected to process and detain stormwater flows from any development, the developer shall submit for all off-site facilities all information required under section 3.05.11.

(Ord. # 583, § 1, 9-10-98; Ord. # 827, § 1, 9-9-04; Ord. # 907, § 2, 10-14-04)

- D. Existing drainage facilities and systems shall not be altered unless the proposed alterations would improve the performance, storage volume, capacity, efficiency or durability of the system or facility.

Code 26-61 through 26-64 (Ord. # 583, § 1, 9-10-98; Ord. # 907, § 2, 10-14-04)