

ORDINANCE NO. 2013-13

AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE SUMTER COUNTY CODE OF ORDINANCES TO AMEND CHAPTER 13 , SECTIONS 12, 22, 41, 42, 103, 171, 205, 237, 309, 502, and 601; AMEND CHAPTER 6; TO ADOPT A NEW CHAPTER 9; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125 – County Government, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Sumter County and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, Sumter County was accepted for participation in the National Flood Insurance Program on March 15, 1982 and the Sumter County Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the Sumter County Board of County Commissioners has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*; and

WHEREAS, the Sumter County Board of County Commissioners, in accordance with the above findings, wishes to adopt requirements to increase the minimum elevation for buildings and structures in flood hazard areas and, pursuant to section 553.73(5), F.S., format that requirement to be consistent with the Florida Building Code. and

WHEREAS, the Sumter County Board of County Commissioners, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in

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consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Sumter County Board of County Commissioners that the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

SECTION 1. RECITALS.

The foregoing Whereas clauses are hereby restated and incorporated herein by reference and made a part hereof, in haec verba.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to Amend the Sumter County Code of Ordinances: Chapter 13 – *Land Development Code*, amending specific sections contained in Article III, for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 3. AUTHORITY.

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

SECTION 4.

Chapter 9 of the Sumter County Code of Ordinances, currently reserved, is hereby amended to include the following Articles and Sections, which shall specifically repeal and replace Ordinance 87-1, Flood Damage Prevention, and shall be entitled “Floodplain Management ”.

CHAPTER 9 – FLOODPLAIN MANAGEMENT

ARTICLE I ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Floodplain Management Ordinance* of Sumter County, hereinafter referred to as “this ordinance.”

101.2 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*; 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.

101.3 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.

101.4 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*.

101.5 Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, 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.

101.6 Disclaimer of Liability. This ordinance shall not create liability on the part of the Sumter County Board of County Commissioners 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.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within Sumter County, as established in Section 102.3 of this ordinance.

102.3 Basis for establishing flood hazard areas. The Flood Insurance Study for Sumter County, Florida and Incorporated Areas dated September 27, 2013, 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 Sumter County Planning and Development Division, 7375 Powell Rd, Wildwood, Fl.

102.3.1 Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 105 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.

102.4 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

102.5 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.

102.6 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.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Designation. The Director of the Division of Development Services is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

103.2 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 107 of this ordinance.

103.3 Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, 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; a person contesting the determination shall have the opportunity to appeal the interpretation;
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.

103.4. 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

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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.

103.5 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 107 of this ordinance.

103.6 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.

103.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 106 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.

103.8 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. 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;
4. 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; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of Sumter County are modified.

103.9 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 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 Sumter County Division of Development Services, 7375 Powell Road, Wildwood, Florida 34785.

SECTION 104 PERMITS

104.1 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.

104.2 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.

104.2.1 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

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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

104.3 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 community. 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 and survey that identifies the location of proposed structures subject to the standards of the Florida Building Code, or construction documents as specified in Section 105 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.

104.4 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 community. 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.

104.5 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.

104.6 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 community.

104.7 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 Southwest 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 activities subject to the Joint Coastal Permit; section 161.055, F.S.
4. 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.
5. Federal permits and approvals.

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

105.1 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 105.2(2) or (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 105.2(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. 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.

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. 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 include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is three (3) 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 three (3) 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.

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

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 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 community. 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 105.4 of this ordinance.

105.4 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.

SECTION 106 INSPECTIONS

106.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

106.1.1 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.

106.1.2 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.

106.1.2.1 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 105.2(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.

106.1.2.2 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 106.1.2.1 of this ordinance.

106.1.3 Manufactured homes. The Building Official 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 Building Official.

SECTION 107 VARIANCES AND APPEALS

107.1 General. The Zoning and Adjustment 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 Zoning and Adjustment 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*.

107.2 Appeals. The Zoning and Adjustment Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of Zoning and Adjustment Board may appeal such decision to the Circuit Court, as provided by Florida Statutes.

107.3 Limitations on authority to grant variances. The Zoning and Adjustment Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Zoning and Adjustment Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

107.3.1 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 105.3 of this ordinance.

107.4 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 11 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*.

107.5 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 107.3.1, 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.

107.6 Considerations for issuance of variances. In reviewing requests for variances, the Zoning and Adjustment 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 community;
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.

107.7 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 Zoning and Adjustment 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

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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.

SECTION 108 VIOLATIONS

108.1 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 without the 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* is presumed to be a violation until such time as that documentation is provided.

108.2 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.

108.3 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.

ARTICLE II DEFINITIONS

SECTION 201 GENERAL

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

201.2 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.

201.3 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.

201.4 Terms defined in the *Land Development Code, Chapter 13*. Where terms are defined in this chapter and Chapter 13 of this Code of Ordinances, such terms shall have the meanings ascribed to them in this chapter when applied within a flood hazard area.

SECTION 202 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 or a request for a variance.

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. [Also defined in FBC, B, Section 1612.2.] 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). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

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 March 15, 1982. [Also defined in FBC, B, Section 1612.2.]

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 March 15, 1982.

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: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

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. [Also defined in FBC, B, Section 1612.2.]

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 community, 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. [Also defined in FBC, B, Section 1612.2.]

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 11 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 community's floodplain management regulations.

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

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:

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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. [Also defined in FBC, B, Section 1612.2.]

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." [Also defined in 15C-1.0101, F.A.C.]

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 buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

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 March 15, 1982 and includes any subsequent improvements to such structures.

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 March 15, 1982.

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;

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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.

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. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or 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. [Also defined in FBC, B Section 1612.2.]

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. [Also defined in FBC, B Section 1612.2.]

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: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

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.

ARTICLE III FLOOD RESISTANT DEVELOPMENT

SECTION 301 BUILDINGS AND STRUCTURES

301.1 Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 104.2.1 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 307 of this ordinance.

SECTION 302 SUBDIVISIONS

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

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

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

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
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 105.2(1) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

SECTION 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

303.1 Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
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.

303.2 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.

303.3 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.

303.4 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 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

303.5 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*.

SECTION 304 MANUFACTURED HOMES

304.1 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.

304.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance.

304.3 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.

304.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.

304.4.1 General elevation requirement. Unless subject to the requirements of Section 304.4.2 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).

304.4.2 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 304.4.1 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 in the *Florida Building Code, Residential* Section R322.2 (Zone A); 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.

304.5 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas.

304.6 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.

SECTION 305 RECREATIONAL VEHICLES AND PARK TRAILERS

305.1 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.

305.2 Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the requirements of Section 304 of this ordinance for manufactured homes.

SECTION 306 TANKS

306.1 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.

306.2 Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 306.3 of this ordinance shall be permitted in flood 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.

306.3 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.

306.4 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.

SECTION 307 OTHER DEVELOPMENT

307.1 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 303.4 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, 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.

307.2 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 303.4 of this ordinance.

307.3 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 303.4 of this ordinance.

307.4 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3(3) of this ordinance.

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SECTION 5.

Chapter 6, Article III of the Sumter County Code of Ordinances, currently reserved, is hereby amended to include the following administrative amendments to the *Florida Building Code, Building*

ARTICLE III – LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE

Section 6-71. Administrative amendments to the Florida Building Code, Building

Sec. 104.10.1, Florida Building Code, Building

Add a new Sec. 104.10.1 as follows:

104.10.1 Modifications of the strict application of the requirements of the *Florida Building Code*. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

Sec. 107.6.1, Florida Building Code, Building

Add a new Sec. 107.6.1 as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

Sec. 117, Florida Building Code, Building

Add a new Sec. 117 as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

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SECTION 6.

Chapter 6, Article III of the Sumter County Code of Ordinance, currently reserved, is hereby amended by the following technical amendments to the *Florida Building Code, Residential*

ARTICLE III- LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE

Section 6-72. Technical amendments to the *Florida Building Code, Residential*

Sec. 322.2.1, Florida Building Code, Residential

Modify Sec. R322.2.1 as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least ~~3 feet~~ 2 feet (610 mm) if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

SECTION 7.

- A. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article I, Division 2 (Findings, Purpose and Intent) is hereby amended as set forth herein.:

Subsection (5) of section 13-12(b), Specific intent relating to the various subject areas of this chapter, is amended to read:

- (5) Floodplain protection. It is the purpose of this chapter and the flood load and flood resistant construction requirements of the Florida Building Code, 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:
 - a. Minimize unnecessary disruption of commerce, access and public service during times of flooding;

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- b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- c. 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;
- d. 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;
- e. Minimize damage to public and private facilities and utilities;
- f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- h. 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.

B. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article I, Division 3, is hereby amended as set forth herein.

Section 13-22, Relationship to other codes, ordinances, rules and materials, is amended to read as follows:

(a) *Zoning and Subdivision Codes.* To the extent that the provisions of this chapter are the same in substance as the previously adopted ordinances that it replaces, it shall be considered as a continuation thereof and not as a new enactment, unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under previously adopted zoning and development ordinances does not achieve lawful nonconforming status under this ordinance merely by the repeal of the previous ordinances.

(b) *Other regulations and regulatory agencies.* Development of land in Sumter County may also be subject to regional, state and federal requirements, over which Sumter County has no jurisdiction. In the early stages of the planning and development process, each developer or applicant for development approval should make themselves aware of the approvals and permits required by these agencies. The commission assumes no responsibility for determining when such approvals and permits are required.

(c) *Technical construction standards manuals.* Manuals, drawings, etc. of other agencies or organizations, specified somewhere herein as containing specific required engineering standards and construction design specifications, shall be incorporated into this chapter by reference.

(d) *Maps and studies.* The following maps and studies are incorporated into this chapter by reference and declared to be a part thereof.

- (1) Future Land Use Map of the Future Land Use Element of Sumter County Comprehensive Plan.
- (2) Sumter County Official Zoning Map Series consisting of approximately three-hundred twenty-four inch x thirty-six inch drawings.

(e) *Deed restrictions.* It is important to note that the provisions of this chapter do not invalidate deed restrictions or restrictive covenants; however, the county accepts no responsibility for enforcing such private contractual agreements.

(f) *Florida Building Code.* This chapter is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where section numbers of the *Florida Building Code* are cited, the section numbers refer to the 2010 *Florida Building Code*. If cited section numbers are changed in subsequent editions of the code, then the section numbers shall refer to comparable sections. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

C. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article I, Division 5 is hereby amended as set forth herein.

Section 13-41, Definitions, is amended to read:

- (a) *General.* Unless otherwise specifically provided herein, or unless clearly required by the context, the words, terms and phrases used in this chapter shall have the meaning as indicated in this section or elsewhere in this chapter or as found in other chapters of this Code. Words, terms, and phrases not defined in this section or elsewhere in this chapter or Code shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application, subject to the rules of interpretation of section 13-42. Definitions and meanings of words ascribed thereto by other departments or agencies of county government shall not override the definitions and meanings set forth herein and the definitions set forth in this section and the interpretation rules contained in this chapter shall control over any contravening definition or interpretation found in other chapters of this Code or other ordinances, policies, applications, licenses or documents utilized by any other agency, department or constitutional office of the county.
- (1) *Terms defined in Chapter 9, Floodplain Management.* Where terms are defined in this chapter and Chapter 9 of this Code, such terms shall have the meanings ascribed to them in Chapter 9 when applied within a flood hazard area.
- (2) *Terms defined in the Florida Building Code.* Where terms are not defined in this chapter and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.
- (b) *Specific.*

Abut means to physically touch or border upon; or to share a common property line.

Accessory family cottage means a conventionally constructed dwelling unit, attached or freestanding, allowed as an addition to a principal dwelling unit of conventional construction, in agricultural or residential zoning categories. The unit must meet minimum and maximum size restrictions as defined in this chapter.

Accessory use or structure means a use of land or structure, or portion thereof, customarily incidental and subordinate to the principal use or structure and located on the same

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parcel as the principal use or structure.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is a new structure.

Adjacent properties means real properties that share a common boundary or whose boundary lines are only separated by a public or private road, utility or drainage right-of-way or easement.

ADT means average daily two-way volume of traffic.

Adult congregate living facility (ACLF) means a type of residential care facility, defined in Chapter 400, Part 2, F.S.

Adversely affected person means any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the Sumter County Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Advertising means sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Agriculture means the science, art, occupation or use of land for the raising and/or maintaining of farm animals, crops and vegetation including, but not necessarily limited to, pasturage, dairying, animal and poultry husbandry, horticulture, forestry and aquaculture.

Agricultural activity means any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, fertilization of the land for the purpose of selling the crops produced or growing of grazing material, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Agricultural housing means cluster housing for farm workers where the occupants of such housing perform agricultural work on the premises where such housing is located.

Airport means any runway, landing area, air park, or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley means a public or private right-of-way or easement providing a secondary means of access and service to the side or rear of abutting property whose principal frontage is on a public street.

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Alteration of a watercourse means 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

Annual progress report means a report submitted annually by the holder of an operating permit and reviewed to determine whether the operator has followed its approved permit for the preceding year, and whether the operator's plans for the coming year vary from those approved in the conditional use and operating permit.

Antenna, communication means any device or structure directly used for reception or distribution of electromagnetic waves or other means of wireless communication; including, but not limited to, microwave dishes, collinear antenna, omni-directional antennae, and directional panels.

Apartment means a suite of rooms or a room in a multifamily building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

Appeal means a request for a review of an administrative official's or approving authority's decision on, or interpretation of, any provision of this chapter.

Applicant means the legal or beneficial owner or owners of all the land subject to action required by this chapter; or the holder of an option or a contract to purchase such property, or a person having possessor right of equal dignity provided such holder or person has the consent to the action by the owners of all other interests in the land.

Aquaculture means the raising of plants or animals, such as fish or shellfish, in or under a lake, river or other body of water.

Architect means a qualified person registered and currently licensed to practice architecture in the State of Florida.

Authority means a recommending or approving person or entity as presented in Article II (Administration), unless specified otherwise in this chapter.

Automotive use means the activity of selling, servicing, repairing and/or rebuilding motorized wheeled vehicles.

Average running speed means for all traffic, or component thereof, the summation of distances divided by the summation of running times.

Base flood means 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 (BFE) means 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).

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Basement means that portion of a building having its floor (subgrade) below ground level on all sides.

Bed and breakfast establishment means an owner-occupied single-family dwelling of conventional construction whose accessory use is the rental of bedrooms to overnight guests.

Beneficiation means the process whereby earthen materials are washed or sized to separate the mineral(s) with which it is naturally combined, and specifically to separate the waste materials in which a natural mineral exists in a natural state.

Best management practices are those measures or actions generally accepted, or required by the commission for site and use specific activities, that provide for the health, safety and general welfare of the public.

Bikeway means any road, path, or other facility which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Billboard means an off-site sign owned by a person, corporation, or other entity that engages in the business of selling advertising space on that sign.

Biohazardous waste means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, non liquid human tissue and body parts; laboratory and veterinary waste which contain human-disease-causing agents; discarded sharps; human blood, human blood products, and body fluids. Biohazardous waste shall also include other materials and devices defined as biohazardous waste in Chapter 17-712.200 F.A.C., as amended.

Biohazardous waste facility means all contiguous land, and structures, other appurtenances, and improvements on the land used for storing, treating, or disposing of biohazardous waste. A facility may consist of several treatment, storage, or disposal operational units.

Biohazardous waste storage means the holding of biohazardous waste in a place other than at the generating facility for a temporary period at the end of which the waste is treated or stored elsewhere.

Biohazardous waste treatment means any process, including steam sterilization, chemical sterilization, or incineration, which changes the character or composition of biohazardous waste to render it non-biohazardous.

Block means a lot or group of lots existing within well defined and fixed boundaries, usually being an area entirely surrounded by streets or other physical or legal barriers and having an assigned letter, number or other name by which it may be identified.

Block length means the distance between the centerline of right-of-way of two (2) streets or roads intersecting another street or road, regardless of which side of the street or road they occur.

Boarding house means a residential use consisting of at least one dwelling unit together

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with more than one (1) additional room that is rented, or is designed or intended to be rented, but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding or rooming house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Body fluids--see Chapter 17-712.200 F.A.C., as amended.

Bonafide agricultural operation means, when used in connection with sludge and septage disposal and in addition to other definitions in the Sumter County Code, the use of land for growing crops or grazing livestock and the fertilization of that land for the purpose of selling the crops produced or growing of grazing material.

Bridge means a structure, including supports, erected over a depression or an obstruction, such as water or a highway or railway, and having a track or passageway for carrying traffic as defined in Chapter 316 F.S. or other moving loads.

Buffer means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, walls and/or berms, designed to limit continuously views and/or sounds between adjacent sites or properties.

Building means a structure designed and built or erected for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind, and having a fixed location on the ground, or attached to something having a fixed location on the ground.

Building (structure, excluding communications tower) height means the vertical distance from the ground level, or its equivalent, to the highest point of the underside of the beams or joists of the highest ceiling in a building measured from the existing average grade elevation at the base of each side of the structure to the average highest point of each side of a building or structure. When applied to a building, height shall be measured to the highest point of the coping of a flat roof or to the average height level between eaves and ridge for gable, hip or gambrel roofs. That portion of rooftop equipment extending more than four (4) feet above the highest portion of the roof shall be added to the measurement of the height, except that the height of communication antennas, spires, or other superficial attachments added to the roof of a building shall not be included in measuring the height of a building.

Building official means that person appointed by the commission, pursuant to the building codes adopted by it, to have primary responsibility for the administration and enforcement of such codes.

Building permit means a written document authorizing the construction or erection of a structure consistent with applicable law.

Building site means a parcel, or contiguous parcels, of land in single or joint ownership meeting the size, access and zoning requirements for the use and structure to be placed thereon.

Camping site means those locations, so designated on an approved RV park plan, for the occupancy of RV's and tents.

Carport means a roofed structure, with two or more fully or partly open sides, used for vehicle parking.

Certificate of Concurrency means a document issued by the Commission, along with a development permit, indicating that, as of the date of the certificate, a determination has been made that, if constructed within the time allowed by the permit, concurrency for the project will be met for all required public facilities and services.

Certify means that whenever this chapter requires that some person, agency or other entity certify the existence of some fact or circumstance to the approving authority, the approving authority may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the approving authority may accept certification by telephone from some agency when the circumstances warrant it, or the approving authority may require that the certification be in the form of a letter or other document.

Church See "house of worship."

Circulation area means that portion of the vehicle accommodation area used for access to parking or loading areas, or other facilities on the parcel. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clerk means the clerk of the board of county commissioners and the clerk of the county circuit court.

Closed street system means a traffic circulation system consisting of looped and/or dead-end roads, dependent upon one (1) permanent outlet point constructed to county standards, to access other roads in the county system.

Code inspector means any designated employee or agent of the commission whose duty it is to enforce codes and ordinances enacted by the commission, as provided herein. Nothing herein shall be construed to authorize any such designated person to perform any function or duties of a law enforcement officer other than as specified herein.

Combination use means a use consisting of a combination, on one (1) parcel, of two (2) or more principal uses separately listed in Table 13-362A. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established--See section 13-364). In addition, when two (2) or more separately owned or separately operated enterprises occupy the same parcel, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.

Commercial means of, pertaining to, or characteristic of commerce; engaged in commerce; prepared, done or acting with emphasis on salability; profit or success.

Commercially developed parcel means a parcel of land on which there is at least one walled or roofed structure used, or designed to be used, for commercial purposes.

Commission means the board of county commissioners of Sumter County, Florida.

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Common open space means an area of land, or combination of land and water, within the area of a planned unit development which is designated and intended primarily for the common use and enjoyment of residents of the PUD and others. Common open space may contain such recreation structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the development, and may be of a commercial or non-commercial nature.

Community facility means a use owned and/or operated by a private or public non-profit entity, or public utility, in which the residents of the community directly participate or benefit from such use.

Community residential home--See Section 419.001, F.S.

Comprehensive plan means the Sumter County Comprehensive Plan adopted February 3, 1992, and amendments thereto, that meets the requirements of Section 163.3177 and 163.3178, F.S. and Chapter 9J-5, F.A.C.

Concurrency means a condition whereby the impacts of a development project do not reduce the level of service on required public facilities and services below the level of service standards adopted in the Comprehensive Plan.

Concurrency determination means the county's evaluation of a project for concurrency, whether as part of the review of an application for development approval or simply at the request of a potential developer.

Conditional use means a specific land use, that unless properly controlled poses potentially serious health, safety and welfare concerns for the community, and when approved, authorizes the recipient to make use of property in accordance with the requirements of this chapter, an approved operating permit, and any additional requirements imposed by the Commission.

Construction and demolition debris landfill--See Ch. 17-701 F.A.C.

Construction and maintenance agreement means a written document furnished to the Commission by the applicant obligating himself to the construction and maintenance of required physical improvements until accepted by the county or until other permanent maintenance provisions are in effect.

Contiguous parcels means two (2) or more parcels of land with one (1) or more common boundaries or boundary points.

Convenience store means a one-story retail store containing less than three thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other personal and household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Handi-Way" and "Magic-Market" chains.

Conventional dwelling unit means a residence originally constructed on the parcel where it is/was permanently placed, to applicable codes for on-site construction, or a residence built to

Florida Manufactured Buildings standards and moved to its placement site.

Copy means the linguistic or graphic content of a sign.

County means the unincorporated areas of Sumter County, or the administration of the county of Sumter County, Florida.

County engineer means a person or firm, or their duly authorized representative, employed or contracted with, to provide professional engineering services to the commission.

Cul-de-sac means a dead-end street terminated by a vehicular turnaround.

Cultural resource means a site, object, structure, building or district listed on the Sumter County Survey of Cultural Resources or in the Conservation Element of the comprehensive plan, or on the local register of historic places.

Day care center means and includes any child or adult care arrangement or operation which provides care for more than five (5) children and/or adults, unrelated to the operator and property owner, on a regular basis for more than four hours per day, and for which the owner or operator receives compensation, whether operated or not operated for profit. The following are not included:

- (1) Public or private accredited schools.
- (2) Any arrangement or operation where the child or adult cared for has full-time residence.
- (3) Summer day camps and bible schools normally conducted during vacation periods.
- (4) Summer camps having children in full-time residence.

Demolition means the tearing down or razing of twenty-five (25) percent or more of a structure's external walls.

Density or gross density means the total number of dwelling units, or equivalent, divided by the total site area, and is expressed in units per acre.

Department unless specified otherwise, means the Sumter County zoning and building department, or its successor(s).

DHV means design hourly two-way volume of traffic.

Design flood elevation means the elevation of the "design flood," relative to the datum specified on the community's legally designated flood hazard map.

Design speed means a speed determined for design and correlation of the physical features of a highway that influence vehicle operation. It is the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern.

Design storm, 5-year means the flood elevation resulting from a five (5) year, twenty-four (24) hour rain storm for the Central Florida area superimposed on the normal (annual) high-water elevation at the development site under post-development conditions.

Design storm, 10-year means the flood elevation resulting from a ten (10) year, twenty-four (24) hour rain storm for the Central Florida area superimposed on the normal (annual) high water elevation at the development site under post-development conditions.

Design storm, 25-year means the flood elevation resulting from a twenty-five (25) year, twenty-four (24) hour rain storm for the Central Florida area superimposed on the normal (annual) high-water elevation at the development site under post-development conditions.

Design storm, 50-year means the flood elevation resulting from a fifty (50) year, twenty-four (24) hour rain storm for the Central Florida area superimposed on the normal (annual) high-water elevation at the development site under post-development conditions.

Designated species means the wildlife and vegetation species as identified in Rules 39-27.003, 39-27.004, and 39-27.005, F.A.C., and Sections 581.185(5)(a) and 581.185(5)(b).

Developer means any individual, partnership, corporation, or other legal entity who engages in, or proposes to engage in, any development activity regulated by this chapter, including the development review process, either as the owner of the property, agent of the owner, or other responsible party.

Development or Development activity generally means any manmade change to improved or unimproved real estate, including, but not necessarily limited to:

- (1) Clearing, filling, excavating, grading, paving, dredging, mining, drilling, or otherwise significantly disturbing the soil of a site.
- (2) Constructing, building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, including the long-term storage of materials.
- (3) Subdividing land into two (2) or more parcels.
- (4) Erection of signs.
- (5) Alteration of a historic property for which authorization is required under this chapter.
- (6) Changing the use of a site so that the need for parking is increased.
- (7) Construction, elimination or alteration of a driveway onto a public street.
- (8) Change of occupancy.

Development approval means approval that stops short of actually granting the developer the right to begin physical construction of a project. Such development approval may

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include, but is not necessarily limited to rezoning (zoning map amendment), land use permit, and preliminary plan approval.

Development controls means state statutes, this chapter and development codes, building codes, electrical codes, plumbing codes, etc., adopted or used by the commission in implementing the comprehensive plan and other governing laws.

Development permit for purposes of this chapter, means that official county document which authorizes land alteration or construction. Development permits include site permits, building permits, operating permits and change of occupancy permits.

Development review committee (DRC) is a committee of technical staff and consultants of the county with membership and duties and responsibility as set forth in section 13-204 of this Code.

Development tract means one (1) or more parcels or portions thereof proposed for development activity.

Director means, unless specified otherwise, the person appointed by the commission to administer the zoning and building department(s).

Disposal means, when used in connection with hazardous waste, the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground waters, or otherwise enter the environment.

Disposal means, when used in connection with sludge, the discharge, deposit, spreading, injection, dumping, spilling, leaking, land application, or placing of any liquid, solid, or semisolid sludge and septage into or upon any land or water, so that any constituent thereof may enter other lands, be emitted into the air, discharged into any waters (including groundwater), or otherwise enter the environment.

Disturbed lands means the surface area of the natural land surface that has been disturbed as a result of development activity.

Driveway means a vehicle accommodation area between a road and a lot or parcel of land and usually consists of a travel lane bounded on either side by an area that may be part of the vehicle accommodation area.

Dwelling unit means a single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, cooking and eating, and sanitation.

Easement means any strip of land created for public or private ingress/egress, utilities, drainage, sanitation or other public uses, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Effective date of this chapter means that whenever this article refers to the effective date of this chapter, the reference shall be deemed to include the effective date of any amendments

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to this chapter if the amendment, rather than this chapter as originally adopted, creates a nonconforming situation.

Enclosed building means a fully walled and roofed structure for occupancy by persons and/or activities.

Enclosed living area means that portion of a structure, constructed with permanent materials, which is capable of being environmentally controlled (heating and cooling).

Engineer means a person qualified, registered and currently licensed by the State of Florida to practice professional engineering.

Erect a sign means to construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message or routine maintenance.

Excavation means reducing or lowering the natural level of ground through removal of dirt, sand, peat or clay, for purposes other than that incidental to and on the same parcel as approved construction of any amount of dirt, sand, peat or clay and of less than one (1) fifty thousand (50,000) cubic yards of limerock or other minerals as long as blasting and lowering of groundwater in order to extract limerock are not involved.

Existing building means a building lawfully erected prior to the effective date of this chapter, or one for which a legal building permit has been issued and activated in the time period specified. For the purposes of floodplain management the definition of "existing building" shall be as provided in Chapter 9 of this Code.

Exotic animal means any animal not identified in the definition of "farm animal" that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, primates and species of foreign domestic cattle, such as ankole, gayal, and yak.

Exempt development--See section 13-103.

Expenditure means a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Expressway means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

Extended RV occupancy means the occupancy of an RV unit on an approved Class "A" site in any RV park for a period of more than six (6) months in any one year period.

Family means one (1) or more persons living together as a single housekeeping unit.

Family foster home--See Ch. 10M-6.015, F.A.C.

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Farm animal means any domestic or exotic species of cattle, sheep, swine, goats, ostriches, llamas, or horses, which are normally and have historically been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals

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

Fertilization of land means the application of manufactured fertilizer, sludge or septage to enrich the soil for the purpose of growing crops such as watermelons, corn, tomatoes and other such crops customarily grown in Sumter County, Florida, and/or for the purpose of growing grasses for grazing pasture.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard area means 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 identified as a Flood Hazard Area under Chapter 9 of this Code.

Flood Insurance Rate Map (FIRM) means the official map issued by the Federal Emergency Management Agency of a community on which it has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Floodplain Administrator means the office or position designated and charged with the administration and enforcement of Chapter 9 of this Code (may be referred to as the Floodplain Manager).

Floodplain development permit or approval means an official document or certificate issued by the community, 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 Chapter 9 of this Code.

Floodway means 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

Floor area ratio (FAR) means a mathematical expression determined by dividing the gross floor area of a building or buildings by the area of the lot or parcel upon which it is located, i.e., gross floor area/parcel area = FAR.

Floridan aquifer means the thick sequence of limestone formations of Eocene, Oligocene, and Miocene Age which act more or less as a single hydrologic unit, including those permeable parts of the Hawthorn Formation which are in direct hydrologic contact with the rest of the aquifer.

Florida Building Code means 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*.

Freeway means an expressway with full control of access.

Frontage means the length of the property line of any one lot or parcel abutting a public or private street or easement on which it borders.

Frontage line means the lot line which is common with the street right-of-way line or easement.

Frontage road--See street, marginal access.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a marina and/or fish camp. Term does not include long-term storage, manufacture, sales, or service facilities.

Future Land Use Map means that map so designated and adopted by the commission as part of the Future Land Use Element of the Sumter County Comprehensive Plan.

Garage, private means an accessory building or an accessory portion of the principal building, including a carport which is used and/or intended for storage of the private passenger vehicles of the family or families' resident upon the premises.

Garage, commercial means a building or premises which is operated for commercial purposes and used for the storage, care, or repair of motor vehicles, but shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Grade means:

- (1) The inclination, with the horizontal, of a road or improved or unimproved property, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance, or
- (2) The elevation of natural ground, surface improvements and ground floors of buildings.

Grade separation means a crossing of two roadways or a roadway and a railroad or pedestrian pathway at different levels.

Groundwater means water beneath the surface of the ground, whether or not it is flowing through known definite channels.

Gross density or density means the total number of dwelling units divided by the total site area less public right-of-way.

Gross floor area (GFA) means the sum of the gross horizontal areas of several

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buildings, and the several floors of a building, measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including ground level interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking, recreation or any combination thereof. A floor used only for storage is not a habitable floor.

Hazardous means those structures, uses, materials or premises that constitute a high hazard area as defined by National Fire Protection Association Standard 101-6, or which produce, use or store hazardous materials at or above established threshold amounts listed in Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. s. 11001, et. seq. (SARA) and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, Chap. 252, Part II, F.S.

Hazardous material means any material or mixture of materials that requires special management techniques because of its acute or chronic effect on air or water quality, fish, wildlife or other biota, or on the health and welfare of the public. Such material may exhibit but is not limited to the following characteristics: reactivity, corrosivity, explosiveness, flammability, toxicity and infectiousness.

Hazardous waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. Identification and listing of hazardous waste shall be made pursuant to 40 CFR Part 261, as amended.

Hazardous waste facility means all contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste generated off-site. A facility may consist of several treatment, storage, or disposal operational units.

Hazardous waste storage means the containment or holding of a hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste. Storage shall not mean a generator's on-site accumulation for the time periods specified in 40 CFR 262, as amended, or "Public used oil collection center" as defined in Ch. 403.75 F.S., as amended.

Hazardous waste treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize it or render it nonhazardous, safe for transport, amenable to recovery, amenable to storage or disposal, or reduced in volume or concentration. The term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it non hazardous.

Health department means jointly, the Environmental Health Office of the Sumter County Public Health Unit, and the Florida Department of Health and Rehabilitative Services.

High speed means speeds of fifty (50) mph or greater.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic site means the location of a significant event, activity, building, structure, or archeological resource where the significance of the location and any archeological remains outweighs the significance of any existing structure.

Home occupation means a minor commercial activity that is conducted as a second principal use on a residential property.

Homeowner's association means the owners of lots and buildings, incorporated under the auspices of articles which safeguard the rights of the owners in compliance with the laws of the State of Florida.

Horticulture means the art or science of growing flowers, fruits, vegetables and ornamental plants.

Hospital means an institution providing health services, primarily for in-patients but also for out-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, training facilities, central services facilities and staff offices.

Hotel or motel means a building, or part thereof, in which sleeping accommodations are offered to the public, which may or may not offer cooking facilities for use by the occupants, and in which there may be a public dining room for the convenience of the guests. This term may also include boarding houses, lodging houses, rooming houses or apartment hotels.

House of worship means any building used for nonprofit purposes by an established religious organization holding either tax exempt status under section 501(c)(3) of the Internal Revenue Code or under Florida's property tax law, where such building is primarily intended to be used as a place of worship and including customary accessory uses.

Improvements mean physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more usable. Typical improvements regulated by this chapter are, but are not limited to, grading; street, curb and sidewalk construction; water, sewer and other utility systems, drainage systems, buildings and other structures, signs, landscaping and survey monumentation.

Industrial activities means all activities associated with the lawful pursuit of any permitted, special, conditional or accessory use allowed in the ID Industrial District by this chapter, including buildings and other structures.

Industry means manufacturing, fabrication, processing, assembly, treating, storage and warehousing, wholesaling and distribution and research and testing.

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Intersection means the general area where two (2) or more streets or highways join or cross.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay or limerock, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar surfaces.

Kennel, commercial means any parcel of land or premises where four (4) or more dogs and/or cats, at least three (3) months of age, are raised, kept, bred, treated, boarded or trained for sale or compensation; excepting when such parcel or premises is a veterinary clinic or hospital operated by a veterinarian licensed by the State of Florida, who keeps, treats or boards such animals as necessary for medical care, or when such parcel or premises is a pet shop operated in a commercial zoning district.

Land application or land spreading means, when used in connection with sludge, a process whereby sludge or septage is spread mechanically or incorporated into the soil.

Land application area means, when used in connection with sludge, the portion of property used for land application of sludge or septage.

Living area means that portion of a residential structure equipped for year-round living by full enclosure of a substantial nature, exclusive of carports, garages, utility rooms and swimming pools. Living area will be determined by the outside measurements of a structure.

Loading and unloading area means an off-street space, area or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Local planning agency means the Sumter County zoning and adjustment board.

Lot means a portion of a subdivision of land intended as a single development or building site or as a unit for transfer of ownership, whose boundaries and identification have been clearly designated and established by a recorded or unrecorded plat or map accepted by the commission and recognized as a separate legal entity for purpose of transfer of title and development. Subject to provisions of this chapter, the approving authority and the owner of two (2) or more contiguous lots may agree to regard the lots as one (1) lot if necessary or convenient to comply with any of the requirements of this chapter. Lot may include the words plot, parcel or tract.

- (1) *Corner lot* means a lot or parcel abutting upon two (2) or more streets at a street intersection, or abutting upon two (2) adjoining and deflected lines of the same street and thereby forming an interior angle of less than one hundred and thirty-five (135) degrees.
- (2) *Double frontage lot* means a lot or parcel having two (2) or more of its non adjoining property lines abutting upon a public or private street or streets.

Lot area means the total area circumscribed by the boundaries of a lot.

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Lot depth means the average horizontal distance between the front and rear property lines of a lot or parcel.

Lot line means the legal boundary line of a lot.

Lot width means the distance, measured along a straight line connecting the points at which a line that demarcates the required setback from the street or easement, intersects with lot boundary lines at opposite sides of the lot.

Lowest floor means 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

Major development--See section 13-171.

Manufactured building means a structure constructed under the Florida Manufactured Building Act of 1979. For definition see Chapter 553, F.S.

Manufacturing means a premises, or portion of a premises, occupied by an establishment primarily engaged in the processing of materials, products or personal property for sale, resale or other processing charge, normally for the wholesale market, for inter-establishment transfer, or to order for other processors, rather than for direct sale to the domestic consumer. Processing refers to the mechanical or chemical transformation of inorganic or organic substances into new products and usually includes the use of power driven machines and material handling equipment. The term manufacturing does not include the incidental and accessory minor processing operations performed by retail sale, service and repair establishments and other domestic consumer and business operation customer establishments so defined by this chapter.

Marina means a facility located on a public navigable waterway which is accessible and adjacent to the shore, and which is provided with slips and moorings for securing, servicing, repairing or sales of boats

Market value means 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 chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

Massage means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).

Massage therapy means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may

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adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools or devices designed as t-bars or knobblies, and (iii) instruct self care and stress management. "Manual" means by use of hand or body.

Media means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything which is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-Roms, other magnetic media and undeveloped pictures.

Medium development--See section 13-171.

Mine means an area of land on which mining activities have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

Mining means reducing or lowering the natural level of ground through removal of limerock and overburden or minerals with the exception of dirt, sand, peat or clay, for purposes other than that incidental to and on the same parcel as approved construction of in excess of fifty thousand (50,000) cubic yards of limerock or other minerals. Blasting and lowering of ground water in order to extract limerock are mining activities.

Mining activities means the extraction of minerals, ore, or other naturally occurring materials from the earth by whatever method, including the removal of overburden for the purpose of extracting and removing from site such underlying deposits, and all associated clearing, grading, construction, processing, transportation, and reclamation on the mine property, and includes the term "pre-mining activity", but shall not be deemed to include activity associated with site surveying, environmental monitoring, mineral exploration, or the sinking or operation of test wells and similar activities.

Mining site plan means the general plan describing the overall scope of the mining activities for the life of the mine, including, but not limited to, the general nature of the operations, geographic characteristics, impacts, monitoring, and reclamation.

Minor development--See section 13-171.

Mobile home means a structure, transportable in one or more sections, which is eight (8) body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Also, a mobile home means a permanently installed dwelling unit, constructed in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Manufactured Home Construction and Safety Standards (HUD Code) of the National Manufactured Housing Construction and Safety Act of 1974 that were in effect at the time of construction; or if manufactured prior to June 15, 1976, bears a seal certifying that it meets or exceeds the Standard For Mobile Homes, NFPA 501 and ANSI 119.1, that were in effect at the time of construction.

(1) *Class A mobile home*--See Appendix 13E 2.3.1.

(2) *Class B mobile home*--See Appendix 13E 2.3.1.

Mobile home park means any tract, lot or parcel of land which has been planned and improved exclusively for the renting or leasing of spaces (no sales) for the placement of mobile homes for non-transient use.

Mobile home subdivision means a subdivision designed and intended for the sale of lots for mobile home residences.

Mobile treatment facility, when used in connection with hazardous waste or petroleum contaminated soil, means any treatment system or operation which is transported to a soil contamination site, treats only soil from that specific site, and remains in operation for a period not longer than ninety (90) calendar days unless otherwise approved by the commission.

Modular home means a dwelling unit constructed in accordance with and under the Florida Manufactured Building Act of 1979. For definition see Chapter 553, F.S.

Motel--See hotel.

Motion picture arcade means any booth, cubicle, stall or compartment which is smaller than five hundred (500) square feet in floor area, which is designed, constructed or used to hold or seat customers, and which is used for presenting motion pictures or viewing publications for a fee by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-Rom, books, magazines or periodicals) for observation by customers therein.

National Geodetic Vertical Datum (NGVD) means, as corrected in 1929, a vertical control used as a reference for establishing relative elevations on the surface of the earth.

New construction means structures or substantial improvements for which the "start of construction" occurred on or after the effective date of this chapter. For the purposes of floodplain management the definition of "new construction" shall be as provided in Chapter 9 of this Code.

Newspaper of general circulation means that newspaper meeting the requirements of Chapter 163, F.S., as designated by the commission.

Nonconforming lot means a lot, lawfully existing on the effective date of this chapter, (and not created for the purposes of evading the restrictions of this chapter) that do not meet the minimum dimension or area requirement of the land use zone in which the lot is located.

Nonconforming project means any lawful structure, development or undertaking that is incomplete on the effective date of this chapter and would be inconsistent with any current regulation applicable to the zone in which it is located if completed as proposed or planned.

Nonconforming sign means a lawfully existing sign that, on the effective date of this chapter, does not conform to one or more regulations set forth in this chapter.

Nonconforming use or situation means a situation that occurs when, on the effective date of this chapter, a lawfully existing lot or structure, or use of an existing lot or structure, does not conform to one or more of the new regulations applicable to the district in which the lot or

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structure is located. Among other possibilities, a nonconforming situation may arise because a lot or structure does not meet minimum size requirements, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter, or because land or buildings are used for purposes made unlawful by this chapter. (For example, a commercial office building in a residential district may be a nonconforming use.)

Non-exempt subdivision means a subdivision of minor, medium or major development as defined in section 13-171.

Non hazardous means those industrial structures, uses, materials, processes or premises that do not constitute a high hazard area as defined by National Fire Protection Association Standard 101-6, and/or do not produce, use or store hazardous materials at or above established threshold amounts listed in Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. s. 11001, et. seq. (SARA) and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, Chap. 252, Part II,

Nonresidential means any building or structure or portion thereof that is not classified residential in accordance with the Florida Building Code, Building (Residential Group R or Institutional Group I) and ASCE 24.]

Off-site, when used in connection with biohazardous and hazardous waste, means any site which is not a part of the facility where the biohazardous or hazardous waste is generated.

Open space means an area of land, or combination of land and water, within the area of a PUD which is designated and intended for the common use and enjoyment of residents of the PUD and others. Common open space may contain such recreation structure and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the PUD, and may be of a commercial or non-commercial nature.

Operating permit means a written authorization by the commission, containing general and specific conditions for the conduct of an approved conditional use.

Operating speed means the highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis.

Operator means, when used in connection with an operating permit, a person or business entity designated or seeking to be designated as the operant of an approved conditional use.

Operator means, when used in connection with septage or sludge disposal, a person or business entity engaged or seeking to be engaged in a sludge disposal or land spreading operation.

Ordinary maintenance means work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure, or part thereof, as nearly as practicable to its condition prior to the damage, deterioration or decay.

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Overburden means all earth and other materials overlying an ore deposit. This does not include tailings or screenings generated by the processing of the resources.

Owner means a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Parcel (includes lots and tracts) means an individual unit of land created within legally established property lines and described on a document in the public records of Sumter County. If, however, the property lines are such as to defeat the purposes of this chapter or lead to absurd results, a "parcel" may be as designated for a particular site by the Director.

- (1) If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land, and the interest thus obtained or the road so created is such as to then effectively prevent the use of this parcel as one (1) unit, then the land on either side of this strip shall constitute a separate parcel.
- (2) Subject to other provisions of this chapter, the commission and the owner of two or more contiguous parcels may agree to regard the parcels as one if necessary or convenient to comply with any of the requirements of this chapter.

Park trailer means a transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01, F.S.]

Parking area aisles means a portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking garage means a structure built for the parking of motor vehicles in connection with on-site or off-site institutional, commercial or industrial facilities, provided, however, no maintenance of vehicles shall be allowed.

Parking lot shall mean an area of land utilized for the temporary parking of motor vehicles in connection with on-site or off-site institutional, commercial or industrial facilities, provided, however, no maintenance of vehicles shall be allowed.

Parking space means a portion of the vehicle accommodation area set aside for the parking of one vehicle.

Passenger pad means, as defined in Section 10.2.1 of the Federal Register, Vol. 56, No. 173 as part of the Americans with Disabilities Act of 1991 (ADA); a firm, stable surface with a minimum clear length of ninety-six (96) inches (measured from the curb or vehicle roadway edge) and minimum clear width of sixty (60) inches (measured parallel to the vehicle roadway) to the maximum extent allowed by legal or site constraints; and shall be connected to streets, sidewalks or pedestrian path by an accessible route.

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Peddler means a person who sells or offers for sale merchandise or services or both by traveling from door to door, carrying any such merchandise if selling or offering to sell same, without operation from a fixed business location for the exhibition and sale of such merchandise or services or both. "Peddler" does not include persons who are invited to residences for specific sales of specific items or services.

Performance guarantee means cash or a written document guaranteeing that the required improvements will be constructed and/or maintained. Such written document may be either an escrow agreement, a performance bond, letter of credit, a developers surety company completion bond or a developers cash completion bond.

Permanent sign means any sign not excluded from these regulations and not defined herein as a permitted temporary sign.

Permissible use means a permitted, special, conditional, temporary or accessory use, or any other use provided for in this chapter.

Perpetual maintenance agreement means a document furnished to the commission by the applicant, for those subdivisions where streets, alleys, right-of-ways, common areas, utility and drainage easements and other improvements are to remain privately owned, assuring the maintenance in perpetuity of same. The agreement will designate, and be binding, on an acceptable legal entity with adequate authority and financial ability to provide for the maintenance of the privately owned improvements in perpetuity. It must also provide enforceable assessment procedures for financing the maintenance of said improvements.

Person means any individual, trustee or trust, executor or estate, syndicate, fiduciary, corporation, firm, partnership, joint venture, association, organization or any other legal entity, including State and local governments and agencies, acting as a unit.

Petroleum contaminated soil means "excess soil contamination" or "excessively contaminated soil" as defined in Chapter 17-770.200 F.A.C., as amended.

Petroleum contaminated soil thermal treatment facility means either a stationary or mobile system designed, constructed, and permitted by the Florida Dept. of Environmental Protection to handle, store, and thermally treat petroleum contaminated soils.

Petroleum contaminated soil treatment means thermal or biological treatment, by either a stationary or mobile facility; which renders the soil non-contaminated.

Plan means the proposal for development in graphic and written form, including conceptual plans, preliminary plans, engineering plans, final plans, record plats, all covenants', grants of easement, and other conditions relating to the use, location, and bulk of buildings or other development, common open space, recreation areas, and public facilities. The plan shall include such information as required by other sections of this chapter.

Planned unit development (PUD) means a land use zone comprised of a tract of land, or contiguous tracts, or adjacent tracts separated by a road, devoted by its owner to development as a single entity for a number of dwelling units or commercial uses, or a combination thereof, in accordance with a plan which does not necessarily comply with all the provisions of other articles of this chapter with respect to lot size, lot coverage, setbacks, off-street parking, bulk or

type of dwelling, density, and other restrictions, and which is planned to function as a relatively self-contained development under the provisions of this chapter.

Planning jurisdiction means the area within the unincorporated limits of Sumter County within which the commission is authorized, and required, to plan for and regulate development as set forth in this chapter.

Pre-mining activity means construction of all structures, equipment, and facilities required for the extraction, processing,, and transporting of ore material, including construction of access roads, pipelines, recirculating water systems, beneficiation facilities, power lines, dredges, and drag lines, and site preparation such as clearing of vegetation and grading.

Primary live entertainment means that entertainment which characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

Principal structure means the primary building or other structure on a parcel, or a building that houses a principal use.

Principal use means the use of a property that is first in rank, authority, importance or degree. Commonly referred to as the "main" use. See Table 13-362A.

Private club means an association of persons for the promotion of some common objective other than financial profit, jointly supported and meeting periodically.

Processing means, when related to mining, the washing, sizing, flotation, storage, drying and grinding of ore minerals and all activities reasonably related thereto except chemical processing or manufacturing of materials from the ore.

Public facilities--See Chapter 163.3164, F.S.

Public notice--See Chapter 163, F.S. and Sec. 13-217.

Public utility means any publicly or privately owned utility, such as, but not limited to, electric power, water systems, sewer systems, natural gas, storm drainage system, telephone and cable TV service, whether underground or aboveground.

Public water supply system means any water supply system, furnishing potable water that has at least fifteen (15) service connections or regularly serves at least twenty-five (25) persons daily at least sixty (60) days of the year. (a.k.a. public drinking water system) Such systems are regulated by the Florida Dept. of Environmental Protection and are further defined as follows:

- (1) *Community water system*--See Ch. 17.550.200, F.A.C.
- (2) *Non-Community water system*--See Ch. 17-22.103, F.A.C.

Receive-only earth station means an antenna and attendant processing equipment for reception of electronic signals from satellites.

Reclamation means, when related to mining, the restructuring, reshaping, and revegetation of disturbed lands to a form in which the lands may be beneficially used.

Record plat means a map or drawing depicting the division of lands into lots, blocks, parcels, tracts, sites or other divisions, however the same may be designated, and meeting the requirements of Ch. 177, F.S.

Recreational vehicle means a vehicle, including a park trailer, which is: [Defined in Section 320.01, F.S.)

- (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.

Recreational vehicle PUD (RVPUD) means a tract of land designed, constructed and commercially operated to provide five (5) or more camping sites and supporting facilities for the accommodation of recreational vehicles and/or tents. The term also includes buildings and sites set aside for group camping and similar recreational facilities. For the purposes of this chapter, the terms "campground," "camping resort," "RV resort," "travel resort," "travel park," and any variations of these terms, shall be considered synonymous with the term "recreational vehicle park."

Repeat violation means a violation of a provision of this chapter by a person previously found by a duly constituted authority to have violated the same provision within five (5) years prior to the current violation.

Residence means an enclosed building constructed or altered for the purpose of providing permanent living accommodations for one or more persons.

- (1) *Single-family residence* means a structure containing one dwelling unit. May be attached to non-residential buildings, but not attached to any other dwelling unit by any means.
- (2) *Duplex residence* means a building constructed for two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
- (3) *Multi-family residence* means a residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residentially developed property means any parcel of land with a residential zoning, upon which a dwelling unit is located, or any undeveloped parcel of land lying within a platted residential subdivision.

Right-of-Way (R.O.W.)(R/W) means a general term denoting land, property or interest therein, usually in a strip, dedicated, deeded or otherwise acquired to be used for a street, alley, walkway, other transportation purposes, drainage or utility by the public, certain designated parties or governing bodies.

Roadway means the portion of the street right-of-way which contains the street pavement and curb and gutter or shoulders that is intended for and used primarily for vehicular movement.

Rooming House--See boarding house.

Sadomasochistic practices means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed or naked.

Salvage yard means a premises or portions thereof used for the storage, sale, keeping or buying of used and discarded materials, including but not limited to: paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a salvage yard. For the purposes of this chapter, such uses as automobile reclaiming, wrecking and salvage business, and recycling centers shall be considered salvage yards.

Sanitary station means a facility used for the removal and disposal of wastes from holding tanks of RV's.

Sawmill means a place or building where the principal activity is the sawing and/or milling/planning of timber into planks, boards, etc., by machinery or hand; however further processing of the lumber may take place as approved by the authority.

School means any public or private educational institution offering general educational programs required by the State of Florida for students in grades kindergarten through 12th grade. This definition does not include such specialized institutions as dancing schools and driving schools.

Screening means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, walls and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Septage means a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system as defined in Chapter 381, F.S.

Service station means a retail place of business engaged primarily in the sale of motor fuels and supplying only those incidental goods and services which are required in the day-to-day operation of automotive vehicles.

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Setback means an imaginary line on a building site, parallel to the property line at the distance prescribed by these regulations, specifying the closest point from a right-of-way line or a property line where a structure may be located. Construction or erection of a building or structure outside of the setback is prohibited.

Sex shop means a retail sales and services establishment that meets any of the following tests:

- (1) It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than ten (10) percent of its stock in trade or occupies more than ten (10) percent of its floor area;
- (2) More than five (5) percent of its stock in trade consists of sexually-oriented toys or novelties; or
- (3) More than five (5) percent of its gross public floor area is devoted to the display of sexually-oriented toys or novelties.

Sexual conduct means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, masturbation or the touching of the sexual organs, pubic region, buttock or female breast of another person for the purpose of arousing or gratifying the sexual desire of another person.

Sexually oriented business means an inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented motion picture theater; motion picture arcade; massage parlor or shop unless operated by a massage therapist licensed by the State of Florida; retail sales and services falling into the category of sex shop or sexually oriented media shop. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning ordinance or other applicable ordinances.

Sexually oriented cabaret means a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the "primary live entertainment" is distinguished or characterized by an emphasis on the exhibiting of "sexual conduct" or "specified anatomical areas" for observation by customers therein. The fact that an establishment does not serve alcoholic beverages shall not remove it from classification as a "sexually oriented cabaret" if it otherwise falls under this definition.

Sexually oriented motion picture theater means a cinema or motion picture theater which shows hard-core features on more than half (1/2) the days that it is open, or which is marketed as or offers features described as "adult", "XXX" or sexually oriented.

Sexually explicit media means magazines, books, videotapes, movies, slides, CD-Roms or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "sexual conduct" or "specified anatomical areas" (separately defined).

Sexually oriented media store means a retail sales and services establishment that rents and/or sells media, and that meets any of the following three tests:

- (1) More than thirty (30) percent of the gross public floor area is devoted to sexually oriented media;
- (2) More than thirty (30) percent of the stock in trade consists of sexually oriented media; or
- (3) It is advertised, marketed or holds itself out in any forum as "XXX," "adult," "sex" or otherwise as a sexually-oriented business.

Sign means any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known to persons not located on the lot where such device is located. The term shall also be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. The term sign shall not be deemed to include the terms "building" or "landscaping", or any architectural embellishment of a building not intended to communicate information.

- (1) *Ground sign*, means a sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign", is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.
- (2) *Off-site sign* means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other non commercial message shall also be an off-site sign.
- (3) *On-site sign* means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.
- (4) *Temporary sign* means a sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or be completed within a reasonably short or definite period after the erection of such sign; or a sign that is intended to remain on the location where it is erected or placed for a period of not more than thirty (30) days. If a sign display area is permanent even though the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Sign face area means the area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed, including the background and frame, but not structural supporting elements outside of the sign frame .Where a sign is composed of skeleton letters, characters, or symbols applied to a frame or to a background which is not a

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structural part of the sign, the area shall be the smallest rectangle, triangle or circle which will include the display. Where a sign is double faced, the area shall be the larger of the two (2) faces.

Sign permit means a permit issued by the director that authorizes the recipient to erect, move, enlarge or substantially alter a sign.

Sign structure means any construction used or designed to support a sign.

Single family attached residence means both zero lot line attached housing and condominium projects created pursuant to a declaration of condominium.

Site means land and all structures and articles appurtenant or attached thereto which are owned, leased, occupied or controlled by a person.

Site built structure means a dwelling unit or other building built to the building codes adopted by the commission, either substantially on site, or as site assembled components constructed off site; or a dwelling unit constructed off site and installed on site under the Florida Manufactured Buildings Act of 1979 (Ch. 553, Part IV, F.S.). This definition does not include mobile homes.

Site owner means, when used in connection with sludge or septage, a person owning, operating or managing a site upon which sludge or septage disposal or land spreading operations are conducted.

Site permit--See section 13-171.

Sludge means solids, residuals, or any by product from any type of sewage treatment plant, either private or public, and septage from public or private septic tanks, which contains human feces or residuals of such, whether stabilized or disinfected or in any form, whether solid, liquid or gaseous.

Small quantity generator--See Part 261, Title 40, C.F.R. and Ch. 62-731.020 F.A.C.

Solid waste includes garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, institutional or governmental operations, as defined in Chapter 403 F.S., as amended.

Special events means, but is not limited to, circuses, fairs, carnivals, festivals or other types of special events that:

- (1) Are intended to or likely to attract substantial crowds, and
- (2) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special flood hazard area means 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 or AE. The term also includes areas shown on other flood hazard maps, if such maps

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are adopted by Sumter County.

Specified anatomical areas mean and include:

- (1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Stable, public means a stable, other than a private stable, used for the care of horses, ponies, or other livestock to be used for instruction, recreation or boarding such animals.

Staging area shall mean an area on land utilized by businesses, contractors and others for the storage, parking, and re-supplying of operable commercial motor vehicles not to exceed one and one-half (1 1/2) tons in size, and/or cargo vans and utility trailers; for the parking of employee motor vehicles; and for the gathering of employees of such businesses and contractors at the beginning and end of the work day, provided, however, no maintenance of any of said vehicles, vans or trailers shall be allowed. This shall not include semi tractor-trailers or other similar type cargo containers.

Start of construction means the first placement of permanent construction, repair, reconstruction, or improvement of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles or piers, construction of columns, or any work beyond the stage of excavation, or ninety (90) days after the permit date, whichever occurs first. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For the purposes of floodplain management the definition of "start of construction" shall be as provided in Chapter 9 of this Code.

Stationary facility, when used in connection with hazardous or biohazardous waste or petroleum contaminated soil means a facility which stores, treats or disposes of biohazardous or hazardous waste, or petroleum contaminated soil, transported to the facility.

Street or Road means any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court terrace, place or cul-de-sac and includes all of the land lying between the right-of-way lines as delineated on a plat or right-of-way map showing such streets, whether improved or unimproved. Does not include those access ways such as easements and right-of-way intended solely for limited utility purposes such as electric, gas, telephone, water, drainage and sewer lines or easements for ingress/egress.

- (1) *Arterial street*--See section 13-522.
- (2) *Collector street*--See section 13-522.
- (3) *Cul-de-sac street* means a dead-end street that terminates in a vehicular turnaround.

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- (4) *Dead-end street* means a road or street, or portion thereof, with only one (1) vehicular-traffic outlet.
- (5) *Local street*--See section 13-522.
- (6) *Marginal access street* means a street that is parallel to and adjacent or near to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and designed so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street vendor means a person who sells or offers for sale merchandise or services or both from a motor vehicle, a pushcart, wagon, mobile stand, or other moveable device or structure storing the merchandise. "Street vendor" does not include minor children operating lemonade or soft drink stands. "Street vendor" does not include operators of food, beverages, newspaper, or magazine self-service vending machines.

Structural alteration means any change, except for repair or superficial work, in the supporting members of a building, such as load-bearing walls, partitions, columns, beams or girders.

Structure means anything constructed or erected on land or attached thereto. Structures include, but are not necessarily limited to, a walled and roofed building, a manufactured home, a gas or liquid storage tank, a sign or other manmade facilities or infrastructures.

Structure, accessory means a minor building or other structure that is located on the same parcel as a principal building and that is used incidentally to a principal building, or that houses an accessory use--See section 13-364.

Subdivision means:

- (1) The process, act or land resulting from dividing, separating or splitting a parcel, lot or tract of land into two (2) or more parcels, lots, tracts, building sites or other divisions for the purpose of transfer of ownership, building or other development (whether immediate or future); or
- (2) Any division of land involving the dedication of a new street or a change in existing streets, or the provision of other public facilities or improvements, whether publicly or privately owned including, but not limited to, drainage facilities and utilities; or
- (3) Any resubdivision of an existing subdivision, whether recorded or unrecorded; or
- (4) The development process of mobile home parks and recreational vehicle parks which involves the division of any parcel of land into two (2) or more lots, for the purpose of sale, time sharing or membership arrangements.

- a. Subdivision of recreational vehicle parks are subject to compliance with Florida Department of Health construction, operating, and permitting requirements in F.S. ch. 573, and 64E-15 FAC, as required.

Substantial damage means 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 development means any minor, medium or major development, as defined in section 13-103.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Surficial aquifer means the permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits.

Surveyor means a person qualified, registered and currently licensed by the State of Florida to practice land surveying.

Tailings means, when related to mining and excavation, waste products of beneficiation operations that may consist of solid particles including clay and sand fines, including colloidal or waste clays.

Temporary maintenance agreement means a written document furnished to the commission under which the applicant agrees to accept responsibility for any repairs or corrections needed by required physical improvements for a period of two (2) years, as specified in section 13-174.

Tent or tent camper means a portable shelter usually fabricated of canvas or other water-repellent and fire resistant material.

Terminal means any location where freight either originates, terminates, or is handled in the transportation business or where any trucking business originates (starts up for the day with arrival of drivers), terminates (ends day for clean out, parking and storage), or maintains operating and maintenance facilities.

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Topsoil means the organic or inorganic matter naturally present on the surface of the earth which has been subject to and influenced by environmental factors of parent material, climate, macro-organisms, microorganisms, and topography, and that is sometimes necessary for the growth and regeneration of vegetation of the surface.

Tower, communication means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antenna, including monopole (free standing), lattice (self-supporting) and guyed (anchored with guy wires or cables) towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Tower height, communication means the vertical distance from ground level at the tower base to the highest point of the tower structure.

Town center means a mixed-use area within a community that is designed to optimize pedestrian activity. Town centers are characterized by having many of the following characteristics; a mix of retail, office, entertainment, institutional and sometimes residential uses; on-street parking and shared parking with parking lots often in the interior of blocks or to the rear of buildings; buildings directly abutting the sidewalk and often each other; building overhangs that extend over the sidewalk, and typically have some two or three story buildings. Town centers must be developed under RPUD zoning.

Tract means a parcel of land whose boundaries have been established by a recorded or unrecorded plat or map accepted by the commission and recognized as a separate legal entity for purpose of transfer of title.

Transfer station/facility, when used in connection with hazardous waste, means a site the primary purpose of which is to store or hold hazardous waste generated off-site for transport to a processing or disposal facility.

Transient merchant means a person who sells or offers for sale merchandise at any place in the county temporarily and who does not become a permanent merchant at such place and who, for the purpose of carrying on such business, hires, leases or occupies, either in whole or in part, a business location for the exhibition and sale of merchandise. "Transient merchant" includes the situation where a person sells or offers for sale merchandise at any place which does not have a business listing with a telecommunications firm under Federal Communications Commission regulations. "Transient merchant" does not include either an operator of a flea market or a person who conducts business out of a flea market.

Traveled way means the portion of the roadway for the movement of vehicles exclusive of shoulders.

Truck means any motor vehicle designed, used or maintained primarily for the transportation of property or freight including, but not limited to, truck-tractors, truck-tractor semitrailer combinations, dump trucks, stake-bed trucks, flatbed trucks, commercial vans and pick up trucks of over one-ton capacity.

Turning roadway means a connecting roadway for traffic turning between two intersection legs.

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Urban Expansion Area (UEA) means that area so designated on the Future Land Use Map of the Sumter County Comprehensive Plan.

Use means the activity or function that occurs or is intended to occur on a parcel, lot or tract.

Usable land area means the developable area of land that lies outside of the following:

- (1) Easements, recorded and unrecorded, for ingress/egress, drainage, utilities, etc.
- (2) All wetlands subject to mitigation and surface waters under state jurisdiction.
- (3) Mean seasonal high water level.
- (4) When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing usable lot area shall be the street right-of-way line; or if the right-of-way line cannot be determined, a line running parallel to and twenty-five (25) feet from the center of the traveled portion of the street.
- (5) In a residential zone, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing usable lot area shall be the inside boundary of the traveled portion of that road.

Utility facilities means any above-ground structure or facility whose principal use is in connection with the production, generation, transmission, distribution, delivery, collection or storage of water, sewer, electricity, gas, oil or electronic signals.

- (1) *Community or regional utility facilities* means all utility facilities other than neighborhood facilities.
- (2) *Neighborhood utility facilities* means all utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood that such facilities serve or propose to serve.

Variance means a grant of permission or relief that authorizes the recipient, where specific enforcement of this chapter would result in unnecessary hardship, to do that which, according to the strict letter of this chapter, he/she could not otherwise legally do.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a travelway, excepting devices used exclusively upon stationary rails or tracks.

Vehicle accommodation area means that portion of a parcel that is used by vehicles for access, circulation, parking, loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

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

Water recirculation facilities means, when related to mining and excavation, those structures used for storing, routing, and treating of mine and process waters; including, but not limited to, reservoirs, clay settling areas, canals, ditches, and their associated dams and dikes.

Waters of the county means, for the purpose of this chapter, all waters located in Sumter County, both ground and surface.

Waters of the state means those waters identified in Chapter 403.031(12), Florida Statutes. Such waters include, but are not limited to, rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one (1) person, other than the state, are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural.

Wetlands mean the most landward extent of the following:

- (1) Areas within the dredge and fill jurisdiction of the FDEP as authorized by Chapter 403, F.S.
- (2) Areas within the jurisdiction of the ACOE as authorized by Section 404, Clean Water Act, or Section 10, River and Harbor Act.
- (3) Areas within the jurisdiction of the SWFWMD pursuant to Section 40D-4 and 40D-40, F.A.C.

Wholesale sales means on-premises sales of goods primarily to customers engaged in the business of reselling, as opposed to consumers.

Wide curb lane means a portion of the roadway which can be used by bicycles and motorized traffic, characterized by a curb lane which is of such width that bicycle and motorized traffic can be accommodated in the same lane. This lane should always be the through lane closest to the curb (when a curb is provided) or the shoulder edge of the road when a curb is not provided.

Zoning and Adjustment Board--See section 13-203.

Zoning district means one (1) or more contiguous parcels of land with the same land use zone designation.

- D. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article I, Division 5 is hereby amended as set forth herein

Rules of interpretation, Subsection 13.42(7)(f) is amended to read as follows:

- (f) *Boundaries*. Interpretations regarding boundaries of land use classifications, flood

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zones, and land use zones shall be made in accordance with the following:

- (1) Boundaries indicated as following or approximately following the centerlines of streets, highways, streams or railroads shall be construed to follow such centerlines.
- (2) Boundaries indicated as following or approximately following lot lines, other property lines, city limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.
- (3) Boundaries shown as following or approximately following section lines, quarter-section lines or quarter-quarter section lines shall be construed as following such lines.
- (4) Boundaries indicated as following or approximately following natural features, such as shorelines, shall be construed as following such features, and in the event of change in the natural feature, shall be construed to follow such change.
- (5) Where a land use classification on the Future Land Use Map divides a lot or parcel, the boundaries of each land use on the zoning map shall be determined by measurement, using the scales of the Future Land Use Map and zoning map.
- (6) Where any street or other transportation corridor is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or corridor added thereto by virtue of such vacation or abandonment.
- (7) In the absence of specific data, interpretations of the location of flood zone and floodway boundaries shall be made the Floodplain Administrator using the best information available including but not limited to data obtained from federal, or state agencies.

E. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article II, Division 4 is hereby amended as set forth herein

Paragraph (6) is added to subsection 13-171(b), Development permits established and required, to read as follows:

- (6) *Floodplain Development Permit*
 - a. Any owner or owner's authorized agent who intends to undertake any development activities which are wholly within or partially within any flood hazard area shall obtain the required permits and approvals consistent with Chapter 9, Floodplain Management. Floodplain development permits or approvals may be incorporated, or combined, with other development permits and approvals.
 - b. *Structures.* Depending on the nature and extent of proposed development that includes buildings or structures subject to *Florida Building Code* standards, the Floodplain Administrator may determine that a floodplain development permit or approval is required as part of a building permit.

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- c. Submission materials. An application, in a format provided by the Floodplain Administrator, and other materials as necessary to demonstrate compliance with floodplain management standards, are required for each permit application.
- d. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data 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 floodplain development standards contained in this Code of Ordinances.

F. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article II, Division 6 is hereby amended as set forth herein.

Subsection 13-205(a)(2), Director of Development Services, is amended to read:

- (2) *Duties.* The director shall administer and enforce this chapter and other regulations and codes pertaining to the subject matter hereof. The duties and responsibilities of the director shall include, but are not necessarily limited to, the following:
 - a. Review. Review all applications for amendments and permits for completeness.
 - b. Scheduling. Schedule public hearings and meetings and cause public notice of same, as required by law.
 - c. Recommendations. Recommend or act upon applications for amendments and permits as specified in Divisions 1 through 4.
 - d. Fees. Collect all fees required and transmit same to the county clerk for disposition as required by law.
 - e. *Floodplain Administrator.* Acting as Floodplain Administrator, is authorized to administer and enforce the provisions of the Floodplain Management Ordinance contained in Chapter 9 of this Code. The Floodplain Administrator shall have the authority to perform or delegate those duties described in Chapter 9.
 - f. Other actions pertaining to the administration and enforcement of this chapter and other related codes.

G. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article II, Division 9 is hereby amended as set forth herein

Variances- Application review and action- Review criteria, Subsection 13-237(c)(1)b is amended to read as follows:

b. Flood hazard areas.

Variations from the requirements of flood plain protection standards shall meet the requirements of Chapter 9, Section 107 of this Code.

H. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article III, Division 3, is hereby amended as set forth herein.

Subsection 13-309(a), of Overlay zones, is amended to read:

(a) *Flood hazard area overlay zone.*

(1) *Description.* hazard areas are hereby established as "flood hazard area" overlay zones, meaning that these zones are overlaid upon land use classifications and the land so encumbered may be used in a manner permitted in the underlying classification only if and to the extent such use is also permitted in the applicable overlay zone.

a. As used in this chapter, the terms flood hazard area refers to certain areas whose boundaries are determined and can be located on the ground whose boundaries are established by The Flood Insurance Study for Sumter County, Florida and Incorporated Areas dated September 27, 2013, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps.

b. The flood hazard area defined in subsection a. shall comprise the flood hazard area overlay zone and may be designated as such on the official zoning map.

c. Parcels designated as being located in a flood hazard area pursuant to subsection a may only have such designation removed when an official determination issued by FEMA that amends or revises the effective Flood Insurance Rate Map or Flood Insurance Study

(2) *Density/intensity/use limitations.* Notwithstanding the base and increased densities of sections 13-307 and 13-308, development densities, intensities and uses within the floodplain overlay zones shall be subject to the following:

a. For development in the 100 year floodplain within the Urban Development Area Density shall be limited to one (1) residential unit per five (5) acres unless an adequate site plan and mitigation measures to overcome the development constraints is provided or a FEMA Letter of Map Revision indicates that the area is no longer within the flood hazard area.

b. For development in the flood hazard area within the agricultural classification—Gross density shall be limited to one residential unit per ten acres unless an adequate site plan and mitigation measures to

overcome the development constraints is provided.

- c. As Outstanding Florida Waters, the quality of the waters of the Withlacoochee River and Little Withlacoochee River shall be protected. Development within the Withlacoochee River and Little Withlacoochee River riverine floodplain, as depicted on the Flood Insurance Rate Maps, shall be regulated to reduce or eliminate adverse impacts to the existing water quality of the rivers as follows:
 - 1. Residential development shall not be permitted at a gross density of more than one (1) dwelling unit per ten (10) acres.
 - 2. New and reconfigured lots wholly within the flood hazard area must have a minimum size of ten (10) acres and contain adequate uplands to accommodate development.
 - 3. Clustered development must occur outside the flood hazard area. Clustered lots must contain adequate area outside the flood hazard area to accommodate the proposed development.
- I. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article IV, Division 1 is hereby amended as set forth herein.

Section 13-502, Design standards, is amended to read:

In order that the various purposes of this chapter to be accomplished, all development shall conform with the following general minimum design standards, unless exempted elsewhere in this chapter.

- (a) *Comprehensive plan.* It may be presumed that this article presents all development standards required by the Sumter County comprehensive plan. Therefore, all development, whether publicly or privately owned, shall be designed in conformity with the requirements of this article to ensure consistency with said plan.
- (b) *Level of service standards.* In addition to other required standards of this article, development, unless specifically exempt in this chapter from the concurrency requirements of Article II, Division 10, will not be approved unless the levels of service adopted in the comprehensive plan and specified in the applicable sections of this article, are provided.
- (c) *County zoning and building codes.* All development shall be designed to conform with the requirements of this chapter for the location, use and type of construction. Development within a flood hazard area shall conform to the standards of Chapter 9 of this Code.
- (d) *Long range development plans.* Whenever a tract of land to be developed embraces any part of a designated plan element of an adjacent city, the county, or the state, the provisions of that plan shall be included in the proposed development. Such plan elements may include public thoroughfares, parks, institution sites, drainage courses, or other such elements.

- (e) *Land suitability.* Land which the commission finds to be ill-suited for development due to poor soil qualities, flooding, poor drainage, or other features likely to be harmful to the health, safety and general welfare of the public shall not be developed, unless adequate corrective measures are provided.
 - (f) *Flood protection measures.* In addition to other required standards of this article, development in flood hazard areas, will not be approved unless in conformity with the requirements of Chapter 9, of this Code for such areas.
 - (g) *Preservation of desirable features.* The developer shall be required to take measures to preserve natural, archaeological and historic feature, pursuant to the comprehensive plan, state agency requirements and this chapter, which will add attractiveness and value to the remainder of the property being developed and to the county in general.
 - (h) *ADA requirements.* All development shall conform with the provisions of the Americans with Disabilities Act of 1990, and codified at 42 U.S.C. & 12101 et. Seq., and as presented in the "Florida Accessibility Code for Building Construction" prepared by the Florida Department of Community Affairs.
 - (i) Preemptive standards
 - (1) Whenever standards, cited herein, for design and development are superseded or preempted by other regulations, the more stringent standards shall apply.
 - (2) Whenever other regulations, except for building codes, cited herein are amended from time to time, such amendments shall be incorporated into this chapter by reference.
- J. Chapter 13, Land Development Code, Sumter County Code of Ordinances, Article IV, Division 8 is hereby amended as set forth herein.

Division 8, FLOODPLAIN AND FLOODWAY OVERLAY ZONES STANDARDS is amended to read as follows:

**DIVISION 8
FLOOD HAZARD AREA OVERLAY ZONES STANDARDS**

Sec. 13-601, Flood Resistant Development

The development standards of this division and Chapter 9, as well as the *Florida Building Code*, shall apply to all flood hazard area overlay zones (see Section 13-309) within the unincorporated area of Sumter County. Terms within this division shall have the meanings ascribed to them in Chapter 9 when applied within a flood hazard area.

- (a) *Development permits.* No development approval or permit may be issued for any development within a floodplain or floodway until the issuing authority has reviewed the plans for any such development to assure that:
 - (1) The proposed development is consistent with the need to minimize flood damage, and

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- (2) All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and
 - (3) Adequate drainage is provided to minimize or reduce exposure to flood hazards, and
 - (4) Proposed development is consistent with the standards contained in Chapter 9, Floodplain Management, of this code.
- (b) *Provisions for flood hazard reduction*
- (1) *Design and construction of buildings and structures exempt from the Florida Building Code.* Pursuant to Section 13-171(b)(6) of this code, 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 requirements of Chapter 9 of this code.
 - (2) *Subdivisions.*
 - a. All new subdivisions of more than five lots, 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 flood damage;
 3. Adequate drainage is provided to reduce exposure to flood hazards;
 4. Individual lots/parcels provide an adequate upland area suitable for the proposed use;
 5. The proposed subdivision meets floodplain management standards contained in Chapter 9, Article 3 of this code.
 - b. Where any portion of a proposed platted subdivision, exempt subdivision of more than five lots or greater than five acres in size, or planned urban development , lies within a flood hazard area, the following shall be provided:
 1. Delineation of flood hazard areas, floodway boundaries and flood zones.
 2. Design flood elevations shall be shown on preliminary plans and recorded plats, exempted subdivision plans, or planned urban development plans. Design flood elevations shall be established in accordance with the procedures provided in Chapter 9, Article 1 of this code.
 - (3) *Site Improvements, utilities, and limitations*
 - a. *Surveys:* The location of new and substantially improved structures subject to the standards of the *Florida Building Code*, shall be accurately sited on the property. At the time of development, a survey prepared and certified by a Florida licensed surveyor shall be provided documenting the

locations of new and existing structures subject to the standards of the *Florida Building Code*, positioned within the Flood Hazard Area.

- b. *Utilities:* Development proposals shall have utilities and facilities such as sewer, gas, electrical and water systems located and constructed in compliance with Chapter 9 of this Code.
- c. *Limitations on placement of fill:* Subject to the limitations of Chapter 9 of this code, fill shall be designed to be stable under conditions of flooding and if intended to support buildings and structures, fill shall comply with the requirements of the *Florida Building Code*.
 - 1. *Filling.* Any filling within a flood hazard area that causes displacement of the base flood shall be mitigated, except as provided below, by providing on the same parcel on which the filling occurs, and within the same overlay zone, an excavation of a volume at least equal to the base flood displaced or by obtaining a FEMA Letter of Map Revision (LOMR). Excavation below the seasonal high water table may not be used in the volume computation.
 - i.. Lawful parcels of record on February 3, 1992 of one-half (1/2) acre or less in area shall be exempt from the requirements of this subsection provided the use of fill complies with the requirements of the *Florida Building Code* and Chapter 9 of this Code and is only that required for the principal structure, and drainfields constructed to comply with Chapter 10D-6, F.A.C.
 - ii. Filling within overlay zones that are part of a development with an approved unified drainage system shall be allowed without compensating excavation, provided the unified system results in no net loss in base flood storage capacity, and provided the base flood is only raised within overlay zones completely with the development.
 - 2. No lot or parcel shall be filled to partially or fully achieve the base flood elevation where such filling results in fill slopes steeper than 6:1 when terminated at a distance less than ten (10) feet from adjoining R/W or property lines, or where by such filling, the stormwater management provisions of this chapter are violated.
- d. *Recreational vehicles and park trailers.*
 - 1. *Temporary Placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - i. Be on the site for fewer than 180 consecutive days; or
 - ii. 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.
 - 2. *Permanent Placement.* Recreational vehicles and park trailers placed permanently in flood hazard areas that do not meet the above limitations for temporary placement shall meet the requirements for manufactured and mobile homes.
- e. *Pollutant Storage Tanks and Storage of Regulated Materials.*
- 1. Storage tanks subject to Chapter 62-761 or Chapter 62-762 Florida Administrative Code shall meet the standards of Chapter 9, Division 6 of this Code.
 - 2. Hazardous waste treatment facilities and petroleum contaminated soil treatment facilities subject to Section 13-752, shall locate all operating, storage, and treatment areas at least one foot above the 100-year flood elevation.
- f. *Other Development.*
- 1. All development for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:
 - i. Be located and constructed to minimize flood damage;
 - ii. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - iii. Be constructed of flood damage-resistant materials; and
 - iv. Have mechanical, plumbing, and electrical systems above the design flood elevation, 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.
 - 2. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, shall meet the limitations of Chapter 9, Floodplain Management.
 - 3. Retaining walls, sidewalks and driveways in regulated floodways that involve the placement of fill in regulated floodways shall meet the limitations of Chapter 9, Floodplain Management.
 - 4. Roads and watercourse crossings in regulated floodways that encroach into regulated floodways shall meet the limitations of Chapter 9 Floodplain Management.

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SECTION 8. FISCAL IMPACT STATEMENT.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 9. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in all unincorporated areas of Sumter County. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after September 27, 2013.

SECTION 10. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces Ordinance 87-1, Flood Damage Prevention Ordinance; and amends Sumter County Code of Ordinances Chapter 13, Sections 12, 22, 41, 42, 103, 171(b), 205(a), 237, 309, 502, and 601.

SECTION 11. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the Sumter County Board of County Commissioner that the provisions of this ordinance, with the exception of Sections 1, 3, 10, 11, and 12, shall become and be made a part of the Sumter County's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 12. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.


SECTION 13. EFFECTIVE DATE.

This ordinance shall take effect on September 27, 2013.

August 2013

PASSED and ADOPTED in regular session, with a quorum present and voting, by the Sumter County Board of County Commissioners, upon final reading this August 27, 2013

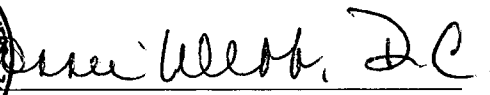
SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS



DOUG GILPIN, CHAIRMAN

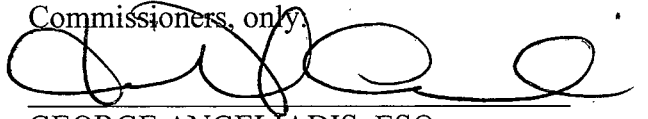
ATTEST:





GLORIA HAYWARD,
SUMTER COUNTY CLERK OF COURT

Approved as to form for the reliance of
The Sumter County Board of County
Commissioners, only



GEORGE ANGELADIS, ESQ.,
THE HOGAN LAW FIRM, COUNTY ATTORNEY